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Briefing on How To Use the Federal Register—
For information on briefing in Washington, DC, see
announcement on the inside cover of this issue.



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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

- WHEN:** June 15; at 9:00 a.m.
- WHERE:** Office of the Federal Register,
First Floor Conference Room,
1100 L Street, NW., Washington, DC
- RESERVATIONS:** 202-523-5240

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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 294

Implementation of the Freedom of Information Act

AGENCY: Office of Personnel
Management.

ACTION: Final rule.

SUMMARY: On April 22, 1987, the Office of Personnel Management (OPM) published interim regulations which implemented the requirements of the Freedom of Information Reform Act of 1986. After considering comments received after publication, and fee waiver policy guidance from the Department of Justice, OPM has revised its regulations on waiver of fees by adding the standards that must be met to qualify for a waiver and by setting forth in greater detail the procedures for making a fee waiver determination. In addition, the regulations (1) update organizational information, and (2) now require prior notification of fees that apply when providing alternative records. In the interest of clarity, OPM is republishing the regulations here in their entirety. OPM is also publishing in a separate document proposed regulations that (1) outline material that OPM generally makes available for public inspection and copying, and (2) implement the requirements of Executive Order 12600 concerning the release of confidential commercial information.

EFFECTIVE DATE: This rule becomes effective July 13, 1989.

FOR FURTHER INFORMATION CONTACT: C. Ronald Trueworthy, (202) 632-0261.

SUPPLEMENTARY INFORMATION: OPM published interim rules with request for comment in the April 22, 1987, *Federal Register* (52 FR 13215). The rules brought the OPM into compliance with the

Freedom of Information Reform Act of 1986. Four organizations (a union, a public citizens group, a professional journalist society, and a Federal Government agency) commented on the regulations.

The public interest group included in its submission extensive comments on the Office of Management and Budget's (OMB) March 27, 1987 "Uniform Freedom of Information Act Fee Schedule and Guidelines". In addition to law, OPM relied heavily on OMB's guidance in developing the portions of these regulations which deal with fee schedules. In our view, these guidelines are a reasonable interpretation of the law. Since we view the guidance in this light, and since the Freedom of Information Reform Act requires that agencies issue regulations in conformance with guidelines promulgated by OMB, we believe that this reliance is prudent. In any event, the comments are pertinent to the OMB guidelines rather than OPM's regulations.

The same public interest group also provided extensive comments on the fee waiver guidance provided to agencies by the Department of Justice (DOJ) rather than OPM's regulations. OPM did not consider DOJ's fee waiver guidance in developing its interim regulations. However, we have now reviewed the DOJ guidance, have concluded that it is well reasoned, and have taken it into consideration in revising the fee waiver provisions in § 294.109(d) as described below. Since it is DOJ's responsibility to provide guidance to Federal agencies on this subject, we believe this is an entirely reasonable course of action.

The following paragraphs discuss comments received on the OPM regulations according to the section involved.

Section 294.103(c) Definitions. One commentator argues that the OPM definition of "representative of the news media" is too restrictive, runs counter to the legislative history, and allows OPM to judge what is current news before acting on the request. OPM believes its interpretation of "news media" is consistent with the statute and the OMB guidelines and has made no revision to its final rule.

The same commentator suggests that the definition for "free-lance journalist" be deleted as it does not accurately reflect the way free-lance journalists

work and discriminates against first-time free-lancers. The legislative history describes free-lance writers as those "who can demonstrate that their work is likely to be published * * *". OPM considers its definition to be consistent with the legislative history and OMB guidelines and has made no revision to its final rule.

Section 294.107(h) Creating records. One commentator suggested a revision of this section to require that OPM provide prior notification of any fees before transmitting alternative records. We agree that this is a reasonable requirement and have revised the section accordingly.

Section 294.109(b)(6) Payment of fees. One commentator suggested that this section should reflect only direct costs for searches and that it should not include computer time, supplies, or any "costs incurred as a result of malfunctioning equipment or other extraordinary problematic situations of the agency which may bear on the time spent in the search." Section 294.102 defines direct costs. If computer time and supplies satisfy the requirements of that definition, OPM shall include these costs in the computation of any fees. OPM does not, however, intend to include in fee computations, costs caused by malfunctioning equipment or other events which are clearly not related to a request. We believe that OPM can be expected to use reasonable judgment in situations such as this, and that the regulations do not need to provide for all aberrations from normalcy that may occur. Therefore we are not adopting this suggestion.

One commentator stated that there was nothing in the statute that permitted charges for unsuccessful searches and that this was contrary to the intent of the statute and basic fairness. The statute provides for the recovery of certain direct costs incurred in searching for records. It does not limit cost recovery to instances when records result from the search. Since the requestor is the initiator of such searches, OPM is incurring a cost that it would not normally incur. Under these circumstances, fairness dictates that the Government ought to be able to recover its costs. This provision is also consistent with the guidelines promulgated by OMB. For the reasons stated above we are not revising this section.

Section 294.109(c) Payment of fees in advance. One commentator stated that this Section does not reflect the clear presumption against advance payments in the wording of the Act. They suggest that OPM adopt wording closer to the OMB guidelines. Upon review, we have concluded that although the wording is not identical to the wording in the OMB guidelines, the meaning is the same and we are not adopting this suggestion.

One commentator objected to the potential interest charges provided for by paragraph (c)(3) of this section and pointed out that there is no statutory authorization for adding interest to FOIA charges. The regulations provide that OPM may begin assessing interest charges on an unpaid bill at the rate prescribed in 31 U.S.C. 3717, starting on the 31st day following the date on which the bill was sent. OPM does not include interest when computing fees for Freedom of Information Act requests. If a requester does not pay a fee on time, it becomes an overdue debt to the United States and is subject to interest. The interest is a charge for overdue indebtedness to the Government, and not a Freedom of Information Act fee component. OPM believes that this requirement complies fully with law and with OMB guidelines and for these reasons we are not revising this provision.

Section 294.109(d) Waiver of fees. One commentator objected to the provision of this section that allows an OPM official to deny a waiver of fees if a requestor does not provide an adequate explanation of why he or she is entitled to a waiver. The commentator pointed out that the regulations did not notify requestors of the standard they must meet in order to qualify for a waiver. Two commentators recommended that OPM should set forth in greater detail the procedures and standards it would use in making fee waiver determinations. After considering these comments, OPM has expanded on this section to provide more information on the evaluation of fee waiver requests.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal employees and agencies.

List of Subjects in 5 CFR Part 294

Administrative practice and procedure, Freedom of information.

U.S. Office of Personnel Management.
Constance Horner,
Director.

Accordingly, OPM is amending 5 CFR Part 294 as follows:

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

1. The authority citation for Part 294 is revised to read as follows:

Authority: 5 U.S.C. 552, Freedom of Information Act, Pub. L. 92-502, as amended by the Freedom of Information Reform Act of 1986, and Pub. L. 99-570.

2. Subparts A and D of Part 294 are revised to read as follows:

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

Sec.

- 294.101 Purpose.
- 294.102 General definitions.
- 294.103 Definitions of categories and assignment of requests and requesters to categories.
- 294.104 Clarifying a requester's category.
- 294.105 Access to the requester's own records.
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- 294.111 Custody of records; subpoenas.

* * * * *

Subpart D—Cross References

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Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

§ 294.101 Purpose.

This subpart contains the regulations of the Office of Personnel Management (OPM) implementing the Freedom of Information Act (FOIA), 5 U.S.C. 552. Except as provided by § 294.105, OPM will use the provisions of this subpart to process all requests for records.

§ 294.102 General definitions.

All of the terms defined in the Freedom of Information Act, and the definitions included in the "Uniform Freedom of Information Act Fee Schedule and Guidelines" issued by the Office of Management and Budget apply, regardless of whether they are defined in this subpart.

"Direct costs" means the expenditures that an agency actually incurs in searching for, duplicating, and reviewing documents to respond to an FOIA request. Overhead expenses (such as the cost of space, and heating or lighting the facility in which the records are stored), are not included in direct costs.

"Disclose or disclosure" means making records available, on request, for examination and copying, or furnishing a copy of records.

"Duplication" means the process of making a copy of a document necessary to respond to an FOIA request. Among the forms that such copies can take are paper, microform, audiovisual materials or machine readable documentation (e.g., magnetic tape or disk).

"Records," "information," "document," and "material" have the same meaning as the term "agency records" in section 552 of title 5, United States Code.

"Review" means the process of initially examining documents located in response to a request to determine whether any portion of any document located may be withheld. It also includes processing documents for disclosure; e.g., doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal and policy issues regarding the application of exemptions.

"Search" means the time spent looking for material that is responsive to a request, including page-by-page, or line-by-line identification of material within documents. The definition assumes that searches will be carried out in the most efficient and least expensive manner so as to minimize the cost for both the agency and the requester.

§ 294.103 Definitions of categories and assignment of requests and requesters to categories.

OPM will apply the definitions and procedures contained in this section to assign requesters to categories. The four categories established by 5 U.S.C. 552(a) are requests for commercial use, requests for non-commercial use made by educational or non-commercial scientific institutions, requests for non-commercial use made by representatives of the news media, and all others.

(a) *Request for commercial use.* A "commercial use request" is from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person or institution on whose behalf the request is made. In determining whether a request properly belongs in this category, OPM will look first to the intended use of the documents being requested.

(b) *Request for non-commercial use made by an educational or non-commercial scientific institution.* OPM will include requesters in one of the two categories described in paragraphs (b)

(1) and (2) of this section when the request is being made as authorized by, and under the auspices of, a qualifying institution; and the records are sought, not for a commercial use, but in furtherance of scholarly or scientific research.

(1) "Educational institution" refers to any public or private, preschool, elementary, or secondary school, institution of undergraduate or graduate higher education, or institution of professional or vocational education, which operates a program or programs of scholarly or scientific research.

(2) A "non-commercial scientific institution" refers to an institution that is not operated on a "commercial" basis as that term is referenced in paragraph (a) of this section, and which is operated solely to conduct scientific or scholarly research, the results of which are not intended to promote any particular product or industry.

(c) *Request from a representative of the news media.* "Representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish, broadcast, or otherwise disseminate news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals who make their products available for purchase or subscription by the general public. Free-lance journalists may be regarded as representatives of the news media if they demonstrate a solid basis for expecting publication, or some other form of dissemination, through a particular organization even though they are not actually employed by it. OPM will assign news media officials to this category only when a request is not for commercial use. If a person meets the other qualifications for inclusion, OPM will not apply the term "commercial use" to his or her request for records in

support of a news dissemination function.

(d) *Requests from others.* The category "all others," consists of any requesters not covered by paragraphs (a), (b), or (c) of this section. However, as provided by § 294.105, OPM will use its Privacy Act regulations, rather than this subpart, when individuals ask for records about themselves that may be filed in OPM systems of records.

§ 294.104 Clarifying a requester's category.

(a) *Seeking clarification of a requester's category.* OPM may seek additional clarification before assigning a person to a specific category if—

(1) There is reasonable cause to doubt the requester's intended use of records; or

(2) The intended use is not clear from the request itself; or

(3) There is any other reasonable doubt about qualifications that may affect the fees applicable or the services rendered under § 294.109.

(b) *Prompt notification to requester.* When OPM seeks clarification as provided by paragraph (a) of this section, it will provide prompt notification either by telephone or in writing of the information or materials needed.

(c) *Effect of seeking clarification on time limits for responding.* When applying the time limits in section 552 of title 5, United States Code, OPM will not officially consider any request for records as being received until the official who is assigned responsibility for making a decision on releasing the records has—

(1) Received any additional clarification sought under paragraphs (a) and (b) of this section; and

(2) Determined that the clarifying information is sufficient to correctly place the requester in one of the categories prescribed in this section.

§ 294.105 Access to the requester's own records.

When the subject of a record, or a duly authorized representative of the

subject, requests his or her own records from a Privacy Act system of records, as defined by 5 U.S.C. 552a (a)(5), and the record is maintained so that it is retrieved by the subject's name or other personal identifier, OPM will process the request under the Privacy Act procedures in Part 297 of this chapter.

§ 294.106 Index of information.

(a) OPM publishes OPM Document No. 1, "Index to Information" annually and issues supplements during the year when there is a sufficient volume of new or revised material. This index contains material published and offered for sale or available for public inspection and copying.

(b) A copy of this index is available at no cost from the—

Internal Distribution Subunit, Office of Personnel Management, Room B443, 1900 E Street NW., Washington, DC 20415.

(c) OPM indexes material for the convenience of the public. Indexing does not constitute a determination that all of the material listed is within the category that is required to be indexed by 5 U.S.C. 552(a)(2). Most of OPM's publications may be found in OPM's Library in Room 5H27 at the address listed in paragraph (b) of this section.

(d) As provided by 5 U.S.C. 552(a)(2), OPM has determined that it is unnecessary and impractical to publish the "Index to Information" more frequently than annually because of the small number of revisions that occur.

§ 294.107 Places to obtain records

(a) Address requests for OPM records to the officials listed in paragraph (b), (c), or (d) of this section.

(b) The following is a list of key Washington, DC officials of OPM and their principal areas of responsibility. Address requests for records to the appropriate official using the address below and the official's title.

Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

Send to—	For subject-matter about—
Associate Director for Administration.....	Administrative services; information management, financial management; personnel.
Associate Director for Retirement and Insurance.....	Retirement; life and health insurance.
Associate Director for Personnel Systems and Oversight.....	Personnel management in agencies; pay; position classification; wage grade jobs; performance management; employee and labor relations.
Assistant Director for Workforce Information.....	Government-wide personnel statistics; official personnel and employee medical folders.
Associate Director for Investigations.....	Background investigations and related records on individuals.
Associate Director for Career Entry and Employee Development.....	Nationwide examining and testing for employment; promotions; administrative law judges; affirmative employment programs for minorities, women, veterans, and the handicapped; training.
Director, Washington Area Service Center.....	Examining, testing, and training operations in Washington, DC.
Director, Office of Government Ethics.....	Ethics and conflict of interest.

Send to—	For subject-matter about—
Director, Office of Executive Personnel.....	Senior Executive Service.

(c) Direct requests for records on subjects not specifically referred to in this section or in the Index to—

Plans and Policies Division, Office of Personnel Management, Room 6410, 1900 E. Street NW., Washington, DC 20415.

(d) The following is a list of OPM regional offices. Address requests for regional records to the Regional Director, Office of Personnel Management in the appropriate region:

- Atlanta Region—Richard B. Russell Federal Building, Suite 904, 75 Spring Street, SW., Atlanta, GA 30303-3019.
- Chicago Region—John C. Kluczynski Federal Building, 30th Floor, 230 South Dearborn Street, Chicago, IL 60604.
- Dallas Region—1100 Commerce Street, Dallas, TX 75242.
- Philadelphia Region—William J. Green, Jr., Federal Building, 600 Arch Street, Philadelphia, PA 19106-1596.
- San Francisco Region—211 Main Street, 7th Floor, San Francisco, CA 94105.

(e) *When an organization does not have records in its custody.* When an OPM organization receives a Freedom of Information Act request for OPM records that it does not have in its possession, it will normally either—

(1) Retrieve the records from the organization that has possession of them; or

(2) Promptly forward the request to the appropriate organization. If a person has asked to be kept apprised of anything that will delay the official receipt of a request, OPM will provide notice of this forwarding action. Otherwise, OPM may, at its option, provide such notice.

(f) *Applying the time limits.* When applying the time limits in section 552 of title 5, United States Code, OPM will not officially consider any request to be received until it arrives in the OPM organization that has responsibility for the records sought.

(g) *Records from other Government agencies.* When a person seeks records that originated in another Government agency, OPM may refer the request to the other agency for response. Ordinarily, OPM will provide notice of this type of referral.

(h) *Creating records.* If a person seeks information from OPM in a format that does not currently exist, OPM will not ordinarily compile the information for the purpose of creating a record to respond to the request. OPM will advise the individual that it does not have records in the format sought. If other

existing records would reasonably respond to the request or portions of it, OPM may provide these. If fees as provided in § 294.109 apply to any alternative records, OPM will advise the requester before providing the records.

§ 294.108 Procedures for obtaining records.

(a) *Mailing or delivering a request.* Any person may ask for records under section 552 of title 5, United States Code, by directing a letter to one of the organizations listed in § 294.107, or by delivering a request in person at the addresses listed in that section during business hours on a regular business day.

(b) *Proper marking.* Each request for records should have a clear and prominent notation on the first page, such as "Freedom of Information Act Request." In addition, if sent by mail or otherwise submitted in an envelope or other cover, mark the outside clearly and prominently with "FOIA Request" or "Freedom of Information Act Request."

(c) *Contents of request letter.* A request must describe the records sought in sufficient detail to enable OPM personnel to locate the records with a reasonable amount of effort.

(1) OPM will regard a request for a specific category of records as fulfilling the requirements of this paragraph, if it enables responsive records to be identified by a technique or process that is not unreasonably burdensome or disruptive to OPM operations.

(2) Whenever possible, a request should include specific information about each record sought, such as the date, number, title or name, author, recipient, and subject matter of the record.

(3) If an OPM organization determines that a request does not reasonably describe the records sought, it will either provide notice of any additional information needed or otherwise state why the request is insufficient. OPM will also offer the record seeker an opportunity to confer, with the objective of reformulating the request so that it meets the requirements of this section.

(d) *Medical records.* OPM or another Government agency may disclose the medical records of an applicant, employee, or annuitant to the subject of the record, or to a representative designated in writing. However, medical records may contain information about

an individual's mental or physical condition that a prudent physician would hesitate to give to the individual. Under such circumstances, OPM may disclose the records, including the exact nature and probable outcome of the condition, only to a licensed physician designated in writing for that purpose by the individual or his or her designated representative.

(e) *Publications.* If the subject matter of a request includes material published and offered for sale (e.g., by the Superintendent of Documents, Government Printing Office), OPM will explain where a person may review and/or purchase the publications.

(f) *Responses within 10 working days.* Except in unusual circumstances (as defined in 5 U.S.C. 552(a)(6)(B)), OPM will determine whether to disclose or deny records within 10-working days after receipt of the request (excluding weekends and holidays) and will provide notice immediately of its determination and the fees required, if any, as prescribed by § 294.109 of this part.

§ 294.109 Fees.

(a) *Applicability of fees.* OPM entities will furnish, without charge, reasonable quantities of material that they have available for free distribution to the public. Subject to payment of fees as specified in this section, OPM may furnish other material. These fees are intended to recoup the full allowable direct costs of providing services.

(b) *Payment of fees.* Individuals may pay fees by check or money order, payable to the Office of Personnel Management.

(1) OPM will not assess fees for individual requests if the total charge would be less than \$25, except as provided in paragraph (b)(5) of this section.

(2) If a request may reasonably result in a fee assessment of more than \$25, OPM will not release records unless the requester agrees to pay the anticipated charges.

(3) If the request does not include an acceptable agreement to pay fees and does not otherwise convey a willingness to pay fees, OPM will promptly provide notification of the estimated fees. This notice will offer an opportunity to confer with OPM staff to reformulate the request to meet the requester's needs at a lower cost. Upon agreement to pay the

required fees, OPM will further process the request.

(4) As described in § 294.107 of this part, OPM ordinarily responds to Freedom of Information Act requests in a decentralized manner. Because of this, OPM may at times refer a single request to two or more OPM entities to make separate direct responses. In such cases, each responding entity may assess fees as provided by this section, but only for direct costs associated with any response the component has prepared.

(5) OPM may aggregate requests and charge fees accordingly, when there is a reasonable belief that a requester, or a group of requesters acting in concert, is attempting to break a request down into a series of requests to evade the assessment of fees.

(i) If multiple requests of this type occur within a 30-day period, OPM may provide notice that it is aggregating the requests and that it will apply the fee provisions of this section, including any required agreement to pay fees and any advance payment.

(ii) Before aggregating requests of this type made over a period longer than 30 days, OPM will assure that it has a solid basis on which to conclude that the requesters are acting in concert and are acting specifically to avoid payment of fees.

(iii) OPM will not aggregate multiple requests on unrelated subjects from one person.

(6) If fees for document search are authorized as provided in paragraph (f) of this section, OPM may assess charges for an employee's (or employees') time spent searching for documents and other direct costs of a search, even if a search fails to locate records or if records located are determined to be exempt from disclosure.

(7) Services requested and performed but not required under the Freedom of Information Act, such as formal certification of records as true copies, will be subject to charges under the Federal User Charge Statute (31 U.S.C. 483a) or other applicable statutes.

(c) *Payment of fees in advance.* If OPM estimates or determines that fees are likely to exceed \$250, OPM may require the payment of applicable fees in advance.

(1) If an OPM official, who is authorized to make a decision on a particular request, determines that the requester has a history of prompt payment of FOIA fees, OPM will provide notice of the likely cost and obtain satisfactory assurances of full payment.

(2) When a person, or an organization that a person represents, has previously failed to pay any fee charged in a timely

manner, OPM will require full payment of all fees in advance. In this section, an untimely payment is considered to be a payment that is not made within 30 days of the billing date.

(3) If a person, or an organization that a person represents, has not paid fees previously assessed, OPM will not begin to process any new request for records, until that individual has paid the full amount owed plus any applicable interest, and made a full advance payment for the new request.

(4) If a request, which requires the advance payment of fees under the criteria specified in this section, is not accompanied by the required payment, OPM will promptly notify the requester that he or she must pay the required fee within 30 days and that OPM will not further process the request until it receives payment.

(5) OPM may begin assessing interest charges on an unpaid bill starting on the 31st day following the date on which the bill was sent. Interest will be at the rate prescribed in 31 U.S.C. 3717 and will accrue from the date of the billing.

(6) To encourage the repayment of debts incurred under this subpart, OPM may use the procedures authorized by Pub. L. 97-365, the Debt Collection Act of 1982. This may include disclosure to consumer reporting agencies and the use of collection agencies.

(d) *Waiver of fees.* OPM will furnish documents under this subpart without any charge, or at a reduced charge, if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government, and it is not primarily in the commercial interest of the requester.

(1) In determining whether disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government, OPM shall consider the following factors:

(i) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government";

(ii) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

(iii) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding"; and

(iv) The significance of the contribution to public understanding: Whether the disclosure is likely to

contribute "significantly" to public understanding of government operations or activities.

(2) In determining whether disclosure of the information is not primarily in the commercial interest of the requester, OPM will consider the following factors:

(i) *The existence and magnitude of a commercial interest.* Whether the requester has a commercial interest that would be furthered by the requested disclosure; and if so

(ii) *The primary interest in disclosure.* Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

(3) An OPM official may deny a waiver of fees or a request for a reduced fee without further consideration if the request does not include the following information:

(i) A clear statement of the requester's interest in the document(s);

(ii) The use proposed for the documents and whether the requester will derive income or other benefit from such use;

(iii) A statement of how the public will benefit from OPM's release of the requested documents; and

(iv) If specialized use of the documents is contemplated, a statement of the requester's qualifications that are relevant to the specialized use.

(4) In all cases the burden of proof shall be on the requester to present evidence or information in support of a request for a waiver or reduction of fees.

(5) A requester may appeal the denial of a waiver request as provided by § 294.110 of this part.

(e) *Rates used to compute fees.* The following rates form the basis for assessing reasonable, standard charges for document search, duplication, and review as required by 5 U.S.C. 552(a)(4). The listing of rates below should be used in conjunction with the fee components listed in paragraph (f) of this section, the first-100-pages of paper copies exception in paragraph (g) of this section, and the first-2-hours manual records search exception in paragraph (h) of this section.

Employee time..	Salary rate plus 16% to cover benefits.
Photocopies (up to 8½"x14").	\$0.13 a page.
Printed materials, per 25 pages or fraction thereof.	\$0.25.
Computer time..	Actual direct cost.

Supplies and other material.	Actual direct cost.
Other costs not identified above.	Actual direct cost.

(f) *Fee components by category of user.* For the purpose of assessing fees under this section, requests may have three cost components. These are the cost of document search, the cost of duplication, and the cost of review. When computing the fee applicable to a request, OPM will apply the rates in paragraph (e) of this section to the cost components that apply to the requester's category. Cost components apply to categories of requesters as follows:

(1) A commercial use requester. Pays actual direct costs for document search, duplication, and review.

(2) A requester from an educational and non-commercial scientific institution and a representative of the news media —Pays actual direct costs for document duplication when records are not sought for commercial use. (Requesters in this category do not pay for search and review.)

(3) All other requesters. Pay actual direct costs for document search and duplication. (Requesters in this category do not pay for review.)

(g) *First 100 pages of paper copies.* There will be no charge to categories of requesters included in paragraphs (f)(2) and (3) of this section for the first 100 pages of paper copies, size 8½" by 11" or 11" by 14" or for a reasonable substitute for this number of copies. An example of a reasonable substitute is a microfiche containing the equivalent of 100 pages.

(h) *First 2 hours of manual records search.* OPM will not charge requesters in the "all other" category for the first 2 hours of manual records search. If a person asks for records from a computerized data base, OPM will use the following formula, promulgated by the Office of Management and Budget, to provide the equivalent, in computer records search time, of 2 hours of manual records search.

(1) OPM will add the hourly cost of operating the central processing unit that contains the record information to the operator's hourly salary plus 16 percent.

(2) When the cost of a search (including the operator's time and the cost of operating the computer to process a request) equals the equivalent dollar amount of 2 hours of the salary of the person performing the search (i.e.,

the operator), OPM will begin assessing charges for computer search.

§ 294.110 Appeals.

(a) When an OPM official denies records or a waiver of fees under the Freedom of Information Act, the requester may appeal to the—

Office of the General Counsel, Office of Personnel Management, Washington, DC 20415

(b) A person may appeal denial of a Freedom of Information Act request for information maintained by OPM's Office of the General Counsel to the—

Deputy Director, Office of Personnel Management Washington, DC 20415

(c) If an official of another agency denies a Freedom of Information Act request for records in one of OPM's Government-wide systems of records, the requester should consult that agency's regulations for any appeal rights that may apply. An agency may, at its discretion, direct these appeals to OPM's Office of the General Counsel.

(d) An appeal should include a copy of the initial request, a copy of the letter denying the request, and a statement explaining why the appellant believes the denying official erred.

(e) The appeals provided for in this section constitute the final levels of administrative review that are available. If a denial of information or a denial of a fee waiver is affirmed, the requester may seek judicial review in the district court of the United States in the district in which he or she resides, or has his or her principal place of business, or in which the agency records are situated, or in the District of Columbia.

§ 294.111 Custody of records; subpoenas.

(a) The Chief, Plans and Policies Division, Administration Group, OPM, has official custody of OPM records. A subpoena or other judicial order for an official record from OPM should be served on the—

Chief, Plans and Policies Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

(b) See § 297.505 of this chapter for the steps other officials should take on receipt of a subpoena or other judicial order for an official personnel record.

Subpart D—Cross References

§ 294.401 References.

The table below provides assistance in locating other OPM regulations in Title 5 of the Code of Federal Regulations that have provisions on the disclosure of records:

Type of information	Location
Classification appeal records.....	511.616.
Classified information.....	175.101.
Employee performance folders.....	293.311.
Examination and related subjects records.....	300.201.
Grade and pay retention records.....	536.307.
Investigative records.....	736.105.
Job grading reviews and appeals records.....	532.707.
Leave records.....	297 Subpart E.
Medical information.....	297.204 and 297 Subpart E.
Official Personnel Folders.....	293.311.
Privacy and personnel records.....	297.
Retirement.....	831.106.

[FR Doc. 89-13952 Filed 6-12-89; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 89-1526]

RIN 3068-AA71

Bonds for Directors, Officers, Employees, and Agents; Form of and Amount of Bonds

Date: June 1, 1989.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), is amending its regulations pertaining to the permissible deductible amount for bonds for directors, officers, employees, and agents of institutions the accounts of which are insured by the FSLIC ("FSLIC-insured institutions"). The amendment modifies the current schedule for calculating the permissible deductible to provide for a minimum permissible deductible of \$50,000. This action is being taken in order to adjust the permissible deductible to corresponding increases in the insurance market and to relate deductibles to the additional protection offered the FSLIC by an institution's tangible capital.

EFFECTIVE DATE: July 13, 1989.

FOR FURTHER INFORMATION CONTACT:

Cindy L. Hausch, Financial Analyst, (202) 906-7488; Kathleen O'Dea Willard, Assistant Director, (202) 906-6789; Patrick G. Berbakos, Director, (202) 906-6720, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552; or Linda Matthias, Policy Analyst, (202) 331-4597; Edward J. Taubert, Deputy Director,

Policy (202) 331-4588, Office of Regulatory Activities, 801 17th Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION: In order to adjust the permissible deductible to increases corresponding with the insurance market rates and to relate permissible deductibles to the additional protection offered FSLIC by an insured institution's tangible capital, the Board proposed to amend 12 CFR 563.19(b) to delete the current schedule for calculating the permissible deductible. The Board proposed to establish a new method for calculating the permissible deductible, allowing the permissible deductible to be the higher of either five percent of tangible capital as defined in § 563.9-8(b)(12) or \$50,000. Board Res. No. 88-1181, 53 FR 45484 (November 10, 1988). The comment period expired on January 9, 1989. The Board received 21 comments in response to this proposal. Twelve were submitted by savings institutions, seven by trade associations, one by an insurance broker and one by an insurance company which is the wholly owned subsidiary of a trade association.

Six of the commenters supported the proposal essentially as proposed, twelve commenters favored amending the proposal before adoption, two were opposed to the proposal, and one felt that the proposal was favorable but not necessary.

A majority of those commenting supported the need for the proposal citing that very few insurance companies have offered quotes on the blanket bond and those that have, did not offer quotes under \$100,000. One commenter pointed out that while fidelity bond coverage is extremely costly to a large number of institutions, such coverage is nearly out of reach for *de novo* institutions. Another commenter said that although its institution is currently eligible for fidelity bond coverage, the premium is at a level which has had a significant adverse impact on its regulatory capital.

Four of the commenters who favored adopting the proposal with amendments expressed the opinion that RAP or GAAP capital should be used in the base calculation instead of tangible capital. Several of the commenters cited the example of an institution within compliance under RAP or GAAP but with a negative tangible capital being unable to obtain bond coverage with a deductible within the proposed limitation.

One of the commenters suggested that

the permissible deductible be the higher of ten percent of the amount of the bond purchased or \$50,000. The commenter stated that if the permissible deductible is ten percent of the amount of the bond purchased, those institutions that wish to retain a higher amount of the risk and/or those forced to obtain a higher deductible, would not be in violation of the existing regulations regarding permissible deductible.

Four commenters suggested that exemptions from fidelity bond coverage be issued. One commenter urged that the Board permit insured institutions to apply for exemptions from fidelity bond coverage on an annual basis if they are able to show that they made a good faith effort to obtain a reasonably priced bond and were unsuccessful in securing them. Another commenter suggested that institutions be permitted to obtain the best fidelity bonds available, even if the deductibles exceed those outlined in the proposal or if the effective coverage amounts are less than those specified in the proposal. That commenter also supported a special exception, i.e., waiving the fidelity bond requirement in any one year. One commenter favored permitting an insured institution whose deductible exceeds the bond requirement to forego obtaining a fidelity bond and pursue self-insurance instead. Citing the same situation, another commenter concluded that the institution should be "exempt from obtaining coverage if its management concludes that going without coverage would be prudent on the basis of a cost/benefit analysis of the coverage offered and the premium quoted."

One of the commenters who disagreed with the proposal said that the deductible amount of \$50,000 for the bonds was too low. In addition, it pointed out that such a deductible would effectively increase premiums. Another commenter urged the Board to either remove the regulation requiring blanket bonds in its entirety or insert provisions allowing institutions to self-insure. They also stated that valuation allowances should be allowed to cover the types of losses that are covered by blanket bonds; e.g., based on percentage of liabilities, percentage of average cash maintained on bond, location in high crime areas, analysis of internal controls by Board examiners and other related factors.

The Board noted in its proposed rule that there was a possibility of the anomalous situation wherein the deductible as calculated would be higher than the \$3 million limit to bond

coverage pursuant to § 563.19(b). To address this as well as other areas of § 563.19, the Board is simultaneously issuing an advance notice of proposed rulemaking (ANPR) to solicit comments on the entire fidelity bond regulation. Specifically, the Board requests comments on the appropriate amount of bond needed as well as examples of what insured institutions are paying as premiums and for what amount of coverage.

In addition, the Board has deferred acting on the proposed five percent of tangible capital proposal until comments on the ANPR are received. The Board, however, is modifying the current deductible schedule to provide that the minimum deductible may be \$50,000. Also, the Board requested comment on the proposed removal of the sentence permitting an increase of the permissible deductible to a maximum of three times the permissible amount when losses exceed 50% of the premium. Since no comments were received in this area, the Board is hereby removing this sentence from the regulation.

Having considered the comments summarized above and noting the Board's issuance of an ANPR on the entire fidelity bond regulation, the Board is adopting a revised amendment to 12 CFR 563.19 to permit a permissible deductible of \$50,000 for bonds for directors, officers, employees, and agents of insured institutions.

Final Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, 5 U.S.C. 604, the Board is providing the following final regulatory flexibility analysis.

1. *Need for and objectives of the rule.* These elements are incorporated above in the **SUPPLEMENTARY INFORMATION**.

2. *Issues raised by comments and agency assessment and response.* These elements are incorporated above in **SUPPLEMENTARY INFORMATION**.

3. *Significant alternative minimizing the small-entity impact and agency response.* The rule would in fact ease the burden on small institutions by allowing a more reasonable permissible deductible.

List of Subjects in 12 CFR 563

Bank deposit insurance, Currency, Investments, Reporting and recordkeeping requirements, Savings and loan associations.

Accordingly, the Board hereby amends Part 563, Subchapter D, Chapter

V, Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. The authority citation for Part 563 continues to read as follows.

Authority: Sec. 1, 47 Stat. 725, as amended (12 U.S.C. 1421 *et seq.*); sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended (12 U.S.C. 1425a); sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended (12 U.S.C. 1425b); sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 401–407, 48 Stat. 1255–1260, as amended (12 U.S.C. 1724–1730); sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); sec. 1204, 101 Stat. 662 (12 U.S.C. 3806); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–1948 Comp., p. 1071.

2. Amend § 563.19 by revising paragraph (b) to read as follows:

§ 563.19 Bonds for directors, officers, employees, and agents; form of and amount of bonds.

(b) No insured institution shall be required to maintain such bond coverage in an amount greater than \$3,000,000. Such bond coverage may provide for a deductible amount from any loss which otherwise would be recoverable from the bonding company. A deductible amount may be applied separately to one or more insuring agreements. The bond shall not provide for more than one deductible amount from all losses caused by the same person or caused by the same persons acting in collusion or combination in cases in which such losses result from dishonesty of employees (as defined in the bond). A deductible shall not exceed an amount determined according to the following schedule:

Base	Permissible deductible
\$75,000,000 and under.....	\$50,000.
75,000,001 to 250,000,000.....	\$25,000 plus .0005 of base over \$25 million.
Over 250,000,000.....	\$137,500 plus .0001 of base \$250 million.

* * * * *

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-13915 Filed 6-12-89; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 88-ASW-54]

Revision of Control Zone; Hood Army Airfield (AAF), TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revise the control zone located at Hood Army Airfield (AAF), TX. The existing Hood AAF Control Zone became effective on November 19, 1987, and was described as "Within 3-mile radius of the Hood AAF * * *." This 3-mile radius of the Hood AAF should have been large enough to touch the adjoining Robert Gray AAF Control Zone. However, it has been determined that the 3-mile radius of Hood AAF is not wide enough to touch the Robert Gray AAF Control Zone and must be enlarged to within a 3.5-mile radius of Hood AAF. This revision will allow the Hood AAF Control Zone and the Robert Gray AAF Control Zone to touch. The Robert Gray AAF Control Zone will not be affected by this revision.

EFFECTIVE DATE: 0901 utc, July 27, 1989.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On February 15, 1989, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revising the control zone located at Hood AAF, TX (54 FR 8555).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E, dated January 3, 1989.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will revise the control zone located at Hood AAF, TX. The existing part-time Hood AAF Control Zone became effective on November 19, 1987. The control zone

was described as "Within a 3-mile radius of the Hood AAF * * *" and was expected to be large enough to touch, but not overlap, the adjoining Robert Gray AAF Control Zone. It has been determined that a 3-mile radius of the Hood AAF is not wide enough to do this; therefore the Control Zone needs to be enlarged to within a 3.5-mile radius of the Hood AAF. This revision will cause the Hood AAF Control Zone and the Robert Gray AAF Control Zone to touch. This will be the only change to the Hood AAF Control Zone. The Robert Gray AAF Control Zone will not be affected by this revision.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Hood Army Airfield (AAF), TX [Amended]

By changing the first sentence of the existing legal description to read: "Within a 3.5-mile radius of the Hood AAF (latitude 31°08'13"N., longitude 97°42'49"W.) * * *" The remainder of the legal description will remain unchanged.

Issued in Fort Worth, TX, on May 22, 1989.
Larry L. Craig,
Manager, Air Traffic Division, Southwest Region.
 [FR Doc. 89-13921 Filed 6-12-89; 8:45 am]
 BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 88-ASW-63]

Revision of Transition Area; Morrilton, AR

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: This amendment will revise the transition area located at Morrilton, AR. The development of a new standard instrument approach procedure (SIAP) to Runway 27 at the Morrilton Municipal Airport, utilizing the Bridge Nondirectional Radio Beacon (NDB), has made this revision necessary. The intended effect of this revision is to provide adequate controlled airspace for aircraft executing the new NDB RWY 27 SIAP to the Morrilton Municipal Airport. Coincident with this action, the status of the Morrilton Municipal Airport will change from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: 0901 u.t.c., July 27, 1989.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On February 15, 1989, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revising the transition area located at Morrilton, AR (54 FR 8554).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E, dated January 3, 1989.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will revise the transition area located at Morrilton, AR. The development of a new NDB RWY 27 SIAP to the Morrilton

Municipal Airport, utilizing the Bridge NDB, has necessitated this revision. The intended effect of this revision is to provide adequate controlled airspace for aircraft executing the new NDB RWY 27 SIAP. Coincident with this action is the changing of the status of the Morrilton Municipal Airport from VFR to IFR.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Morrilton, AR [Revised]

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Petit Jean Airport (latitude 35°08'17" N., longitude 92°54'34" W.), and within 3.5 miles each side of the 216° bearing from the Morrilton NDB (latitude 35°07'07" N., longitude 92°55'30" W.) extending from the 8.5-mile radius area to 11.5 miles southwest of the Morrilton NDB; and within a 10-mile radius of the Morrilton Municipal Airport (latitude 35°08'10" N., longitude 92°42'48" W.); excluding that portion that overlies the Little Rock, AR, Transition Area.

Issued in Fort Worth, TX, on May 22, 1989.
Larry L. Craig,
Manager, Air Traffic Division, Southwest Region.
 [FR Doc. 89-13923 Filed 6-12-89; 8:45 am]
 BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 88-ASW-48]

Revision of Transition Area; Lake Charles, LA

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: The amendment will revise the transition area located at Lake Charles, LA. The development of a new VOR RWY 33 standard instrument approach procedure (SIAP) to the Chennault Industrial Airpark, utilizing the Lake Charles Very High Frequency Omnidirectional Radio Range/Tactical Air Navigation (VORTAC), has made this revision necessary. The intended effect of this revision is to provide adequate controlled airspace for aircraft executing the new VOR RWY 33 SIAP to the Chennault Industrial Airpark.

EFFECTIVE DATE: 0901 utc, July 27, 1989.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On March 17, 1989, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revising the transition area located at Lake Charles, LA (54 FR 11231).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E, dated January 3, 1989.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will revise the transition area located at Lake Charles, LA. The development of a new VOR RWY 33 SIAP to the Chennault

Industrial Airpark, utilizing the Lake Charles VORTAC, has necessitated this revision. The intended effect of this revision is to provide adequate controlled airspace for aircraft executing the new SIAP.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Lake Charles, LA [Revised]

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake Charles Municipal Airport (latitude 30°07'32" N., longitude 93°13'22" W.); and within an 8.5-mile radius of the Chennault Industrial Airpark (latitude 30°12'45" N., longitude 93°08'37" W.), and within 5 miles each side of the 155° radial of the Lake Charles VORTAC (latitude 30°08'29" N., longitude 93°06'20" W.), extending from the 8.5-mile radius area of the Chennault Industrial Airpark to 15 miles southeast of the Chennault Industrial Airpark.

Issued in Fort Worth, TX, on May 22, 1989.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 89-13922 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-ASW-01]

Establishment of Transition Area; Spearman, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will establish a new transition area at Spearman, TX. There is an existing VOR/DME RWY 2 standard instrument approach procedure (SIAP) to the Spearman Municipal Airport, utilizing the Borger Very High Frequency Omnidirectional Radio Range/Tactical Air Navigation (VORTAC); however, there was never a transition area created for this SIAP. The intended effect of this amendment is to establish a new transition area, thus providing adequate controlled airspace for aircraft executing the existing VOR/DME RWY 2 SIAP to the Spearman Municipal Airport.

EFFECTIVE DATE: 0901 U.T.C., July 27, 1989.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On February 15, 1989, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing a new transition area at Spearman, TX (54 FR 8556).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 17.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E, dated January 3, 1989.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will

establish a transition area at Spearman, TX. There is an existing VOR/DME RWY 2 SIAP to the Spearman Municipal Airport, utilizing the Borger VORTAC; however, a transition area was never created for this SIAP. This amendment will establish a transition area for the VOR/DME RWY 2 SIAP. The intended effect of this amendment is to provide adequate controlled airspace for aircraft executing the VOR/DME RWY 2 SIAP to the Spearman Municipal Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Spearman, TX [New]

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Spearman Municipal Airport (latitude 36°13'05" N., longitude 101°11'47" W.).

Issued in Fort Worth, TX, on May 22, 1989.

Larry L. Craig,

Manager, Air Traffic Division Southwest Region.

[FR Doc. 89-13924 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-AWP-9]

Establishment of VOR Federal Airway and Alteration of VOR Federal Airway; California**AGENCY:** Federal Aviation Administration (FAA). DOT.**ACTION:** Final rule.

SUMMARY: This action designates Federal Airway V-587 and alters Federal Airway V-283 in the vicinity of Daggett, CA. These airways provide a major feeder route for the Los Angeles Basin area. This action reduces controller workload and decreases the possibility of pilots confusing routing clearances.

EFFECTIVE DATE: 0901 u.t.c., July 27, 1989.

FOR FURTHER INFORMATION CONTACT: Betty Harrison, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9255.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates V-587 and alters V-283 in the vicinity of Daggett, CA. Federal Airway V-587 will encompass the dogleg portion of V-283 over the Daggett very high frequency omni-directional radio range and tactical air navigational aid (VORTAC). These airways provide a major feeder route for the southern portion of the Los Angeles Basin area. This action saves fuel, aids flight planning and reduces controller workload. Because this action renumbers airways that are presently established and does not involve any changes in airspace except to include the dogleg portion of V-283 in V-587, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority. 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-587 [New]

From Homeland, CA; via INT Homeland 007° and Hector, CA, 226° radials; INT Hector 226° and Daggett, CA, 187° radials; Daggett; INT Daggett 062° and Boulder City, NV, 228° radials; to Boulder City.

V-283 [Amended]

By removing the words "INT Hector 226° and Hector, CA, 187° radials; Daggett; INT Daggett 062° and Boulder City, NV, 228° radials; to Boulder City." and substituting the words "Hector; to Boulder City, NV."

Issued in Washington, DC, on May 25, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-13980 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 88-ANM-2]

Alteration of VOR Federal Airway V-220; Colorado**AGENCY:** Federal Aviation Administration (FAA). DOT.**ACTION:** Final rule.

SUMMARY: This amendment alters the description of Federal Airway V-220 located in the vicinity of Meeker, CO. The V-220 extension from Meeker to

Grand Junction, CO, improves the flow of traffic in the Aspen, CO, area and around other snowbelt-area airports. This action improves flight planning and provides controlled airspace over mountainous territory.

EFFECTIVE DATE: 0901 u.t.c., July 27, 1989.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:**History**

On August 15, 1988, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of Federal Airway V-220 located in the vicinity of Meeker, CO, (53 FR 30695). The V-220 extension from Meeker to Grand Junction, CO, improves the flow of traffic in the Aspen, CO, area and around other snowbelt-area airports. This action improves flight planning and provides controlled airspace over mountainous territory. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the description of VOR Federal Airway V-220 located in the vicinity of Meeker, CO. This alteration extends V-220 from Meeker to Grand Junction, CO, via a south dogleg. This action improves traffic flow in snow country airports located in the vicinity of Aspen, CO. These changes also support terminal procedures by providing missed approach routes for holding over en route fixes. This action improves flight planning and increases airport capacity during instrument weather conditions.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority. 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub L. 97-449, January 12, 1983); 14 CFR 11-69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-220 [Amended]

By removing the words "From Meeker, CO;" and substituting the words "From Grand Junction, CO, 25 miles, 90 MSL, 28 miles, 120 MSL, INT Grand Junction 075° and Meeker, CO, 167° radials; Meeker;"

Issued in Washington, DC, on June 1, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-13981 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-AWP-17]

Realignment of VOR Federal Airway V-2; Hawaii

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment changes the width of a segment of Federal Airway V-2 located between Upolu Point, HI, and Lanai, HI. The FAA has determined that the distance between the airway and Restricted Areas R-3104A and R-3104B is less than 4 miles from the

centerline of V-2. This action corrects the description of V-2 in that area by reducing the airway width on the south side to 3 miles which eliminates the airway's intrusion into R-3104A and R-3104B. This action increases safety in that area.

DATES: Effective date—0901 u.t.c., July 27, 1989. Comments must be received on or before July 24, 1989.

ADDRESSES: Send comments on the rule in triplicate to: Manager, Air Traffic Division, AWP-500, Docket No. 89-AWP-17, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

This action is in the form of a final rule, which involves reducing the airway width of a segment of V-2 between Upolu Point, HI, and Lanai, HI, to assure that V-2 does not penetrate R-3104A and R-3104B. This action reduces the airway width from 4 miles to 3 miles on the south side. Although this action was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to reduce the width of VOR Federal Airway V-2, located between Upolu Point, HI, and Lanai, HI. The current alignment of V-2 penetrates R-3104A and R-3104B. This action reduces the width of V-2 on the south side from 4 miles to 3 miles, thereby increasing safety in that area. Section 71.127 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to amend the description of V-2 located between Upolu Point, HI, and Lanai, HI, by reducing the airway width from 4 miles to 3 miles on the south side so that V-2 does not penetrate R-3104A and R-3104B. For the reasons discussed, good cause exists for making this amendment effective coincident with the next effective date. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore— (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.127 [Amended]

2. Section 71.127 is amended as follows:

V-2 [Revised]

From Honolulu, HI, via Lanai, HI; INT Lanai 106° and Upolu Point, HI, 305° radials; Upolu Point (4 miles N and 3 miles S of centerline); INT Upolu Point 093° and Hilo, HI, 336° radials; Hilo. The airspace within R-3104A and R-3104B is excluded.

Issued in Washington, DC, on June 1, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-13982 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 88-AEA-10]

Alteration of VOR Federal Airways; Virginia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of Federal Airways V-4, V-92, V-144, V-174 and V-214. The FAA has scheduled to decommission the Shawnee very high frequency omnidirectional radio range and tactical air navigational aid (VORTAC) located at Winchester Regional Airport, VA. This action amends the descriptions of all airways affected by the decommissioning of the Shawnee VORTAC.

EFFECTIVE DATE: 0901 u.t.c., July 27, 1989.

FOR FURTHER INFORMATION CONTACT: Jesse B. Bogan, Jr., Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9253.

SUPPLEMENTARY INFORMATION:

History

On March 30, 1989, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Federal Airways V-4, V-92, V-144, V-174 and V-214 (54 FR 13071). Due to the planned decommissioning of the Shawnee VORTAC located at Winchester Regional Airport, VA, all airways affected by the planned decommissioning are being altered. Interested parties were invited to

participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations amends the descriptions of Federal Airways V-4, V-92, V-144, V-174 and V-214. The FAA has scheduled to decommission the Shawnee VORTAC located at Winchester Regional Airport, VA. This action amends the descriptions of all airways affected by the decommissioning of the Shawnee VORTAC.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-4 [Amended]

By removing the words "Shawnee, VA; to Armel, VA." and substituting the words "INT Kessel 097° and Armel, VA, 292° radials; to Armel."

V-92 [Amended]

By removing the words "INT Bellaire 107° and Grantsville 285° radials; Grantsville; Shawnee, VA." and substituting the words "INT Bellaire 107° and Grantsville, MD, 285° radials; Grantsville; INT Grantsville 124° and Armel, VA, 292° radials; to Armel."

V-144 [Amended]

By removing the words "Linden, VA; to INT Linden 104° and Casanova, VA, 348° radials." and substituting the words "to Linden, VA."

V-174 [Amended]

By removing the words "Elkins, WV; to Shawnee, VA." and substituting the words "to Elkins, WV."

V-214 [Amended]

By removing the words "INT Bellaire, 108° and Indian Head, PA, 254° radials; Indian Head; Martinsburg, WV;" and substituting the words "INT Bellaire 107° and Grantsville, MD, 285° radials; Grantsville; Martinsburg, WV;"

Issued in Washington, DC, on June 1, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-13983 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 88-AWP-20]

Alteration of Jet Route; Arizona

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of Jet Route J-212 between Buckeye, AZ, and Palm Springs, CA. This action will aid in improving the traffic flow into Palm Springs and the Los Angeles Basin Airports by lowering the minimum en route altitude (MEA), northwest of Buckeye, from 31,000 feet mean sea level (MSL) to 26,000 feet MSL.

EFFECTIVE DATE: 0901 u.t.c., July 27, 1989.

FOR FURTHER INFORMATION CONTACT: Betty Harrison, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9255.

SUPPLEMENTARY INFORMATION: History

On March 3, 1989, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to alter Jet Route J-212 between Buckeye, AZ, and Palm Springs, CA (54 FR 9065). In the past, the MEA of 31,000 feet MSL between Buckeye and Palm Springs created air traffic control problems for aircraft arriving at Palm Springs and the Los Angeles Basin Airports. This jet route was altered by lowering the MEA, northwest of Buckeye, to 26,000 feet MSL. This action will aid in improving the flow of traffic to Palm Springs and the Los Angeles Basin Airports. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations alters the description of Jet Route J-212 between Buckeye, AZ, and Palm Springs, CA. This jet route was altered by lowering the MEA, northwest of Buckeye, to 26,000 feet MSL. This action will aid in improving the flow of traffic to Palm Springs and the Los Angeles Basin Airports.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 75 of the Federal

Aviation Regulations (14 CFR Part 75) is amended, as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J-212 [Revised]

From Stanfield, AZ; Buckeye, AZ; INT Buckeye 283° and Palm Springs, CA, 093° radials; to Palm Springs.

Issued in Washington, DC, on May 24, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-13979 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Dkt. C-3251]

Alamo Rent-A-Car, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, the Fort Lauderdale, Fla. rental company to disclose charges, terms and conditions that are mandatory or are not reasonably avoidable, to every consumer who inquires about the prices. **DATE:** Complaint and Order issued April 28, 1989.¹

FOR FURTHER INFORMATION CONTACT: Maria Gambale or Ronald Waldman, New York Regional Office, Federal Trade Commission, 2243 Federal Bldg., 26 Federal Plaza, New York, N.Y. 10278. (212) 264-1207.

SUPPLEMENTARY INFORMATION: On Thursday, January 12, 1989, there was published in the Federal Register, 54 FR 1181, a proposed consent agreement with analysis in the Matter of Alamo

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, N.W., Washington, DC 20580.

Rent-A-Car, Inc. for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely Or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.155 Prices; § 13.155-5 Additional charges unmentioned. Subpart—Corrective Actions And/Or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-50 Maintain means of communication. Subpart—Misrepresenting Oneself And Goods:—Prices: § 13.1776 Prices; § 13.1778 Additional costs unmentioned.

List of Subjects in 16 CFR Part 13

Automobiles, Rental cars, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,
Secretary.

[FR Doc. 89-13973 Filed 6-12-89; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Dkt. C-3249]

Associated Mills, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Chicago, Ill. corporation to have a reasonable basis for any claims of performance characteristics of the Bottled Water Maker or any other water treatment appliance or product. Respondent is also required to have a reasonable basis for claims of the expected life over which any environmental treatment product can treat or remove any contaminant or reduce any health-related risks.

DATE: Complaint and Order issued April 27, 1989.¹

FOR FURTHER INFORMATION CONTACT: Steven A. Shaffer, San Francisco Regional Office, Federal Trade Commission, 901 Market St., Suite 570, San Francisco, Ca. 94103. (415) 995-5220.

SUPPLEMENTARY INFORMATION: On Wednesday, January 18, 1989, there was published in the *Federal Register*, 54 FR 1946, a proposed consent agreement with analysis in the Matter of Associated Mills, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely Or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; § 13.170–16 Cleansing, purifying; § 13.170–30 Durability or permanence; § 13.170–70 Preventive or protective; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions And/Or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–45 Maintain records; § 13.533–45(a) Advertising substantiation; § 13.533–50 Maintain means of communication. Subpart—Misrepresenting Oneself And Goods:—Goods: § 13.1590–20 Federal Trade Commission; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Water treatment products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 89-13974 Filed 6-12-89; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 157, 260, 284, 385, and 388

[Docket No. RM87-17-000]

Natural Gas Data Collection System; Availability of Record Formats and Hard Copy Filing Formats for Certificate and Tariff Filings

Issued: June 8, 1989.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of availability of record formats and hard copy filing formats for certificate and tariff filings.

SUMMARY: This notice identifies revisions and additions to the record formats for certificate and tariff filings. Revision of these formats is based on staff review of comments submitted during and after the Order No. 493 implementation conference on February 1 and 2, 1989. Additional comments were also received and reviewed after draft certificate filing formats were issued on March 29, 1989.

DATE: The revised FERC certificate and tariff filing record formats and hard copy formats are available on June 8, 1989.

FOR FURTHER INFORMATION CONTACT: *Tariffs:* Brooks Carter, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 7010, Washington, DC 20426, (202) 357-8995; *Certificates:* George Dornbusch, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 7300, Washington, DC 20426, (202) 357-9181.

SUPPLEMENTARY INFORMATION: The Commission staff is issuing revised record formats for certificate filings in response to comments on the draft formats issued March 29, 1989. In addition, staff is responding to tariff format issues raised at the Order No. 493 implementation conference on February 1 and 2, 1989. Technical revisions for tariff filings are described in Appendix A. Staff's response to comments on the certificate record formats and a description of the revisions to those formats are included in Appendix B. Staff is also releasing with this notice the recommended hard copy filing formats for a certificate filing and sample tariff sheet print formats using various print pitch and line densities.

The record formats for certificate filings are intended to standardize the electronic format in which certain data included in a certificate filing are reported to the Commission. The record formats are structured to encompass most of the data which staff frequently requires in supplemental data requests. However, there is no change in the regulations identifying the contents of a certificate filing. There is also no intent to require companies to file more information than they have previously been required to submit or to alter the timeframe in which certain information is submitted to the Commission. Companies may report data in more or less detail than specified in the record formats, as appropriate to support their applications.

Information in a certificate filing will be submitted in three files: A file containing only structured data (FILE1), a second file containing all of the footnotes to the structured data (FILE2), and a third file consisting of free form text records, header records and trailer records (FILE3).

Using the revised file structure, a company may elect to display a particular statement or schedule in the Commission-specified format or substitute its own free form display in FILE3. However, the formatted data in FILE1 and the accompanying footnotes in FILE2 on the electronic medium must be provided in either case. The revised structure also enables footnotes to be printed with the applicable statement or schedule instead of at the end of the hard copy. The General Instructions for the certificate filing record formats contain a more detailed description of the new method for submitting data on an electronic medium.

In addition to publishing the text of this notice in the *Federal Register*, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this notice, the associated record formats and the hard copy filing formats, during normal business hours in Room 1000 at the Commission's headquarters, 825 North Capitol Street, NE., Washington, DC 20426.

This notice is also available through the Commission Issuance Posting System (CIPS), an electronic bulletin board service that provides access to formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed on a 24-hour basis using a personal computer with a modem by dialing (202) 357-8997. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity.

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

eight data bits and one stop bit. The text of the notice will be available on CIPS for 30 days from the date of issuance.

Due to the size of the record format and hard copy print format files, the formats will not be available through CIPS. However, the revised record formats and hard copy formats are available (1) on a single 5.25" (1.2MB) or 3.5" (1.44MB) double-sided, high density diskette in ASCII text file format, or (2) on paper (124 pages for certificates; 38 pages for tariffs). The diskettes and/or paper copy may be purchased from the Commission's copy contractor, La Dorn Systems Corp., located in Room 1000, 825 North Capitol Street NE, Washington, DC 20426. To order the diskette or paper copy, you must refer to:

RM87-17-000, Record Formats for Certificate and Tariff Filings (June 8, 1989).

Specify diskette (5.25" or 3.5"), paper copy, or both.

The diskette contains a copy of this notice and an INFO file which describes the files on the diskette and specifies the margin, font and orientation required to print each file after importing the file into a word processing program.

Linwood A. Watson, Jr.,
Acting Secretary.

Appendix A—Revisions to Tariff Filing Formats

The record formats for tariff sheets have not been significantly revised. The formats and instructions issued with this

notice clarify the character and line limits for tariff pages and specify certain abbreviations to be used, if necessary, for tariff sheet identification.

After further review, staff has determined that tariff sheets must be printed at 10, 12, 15 or 17 characters per inch pitch. Sheets that are created using other than the specified print pitches (e.g., 16.6) will default to the next highest density for printing purposes. For readability considerations, print pitches greater than 17 cpi will not be accepted. Tariff sheets must be printed at a line density of either six or eight lines per inch. These specifications result in the following characters/line and lines/inch limits:

Page orientation	Max. line length (characters)				Maximum lines per page	
	10 cpi	12 cpi	15 cpi	17 cpi	6 lpi	8 lpi
Portrait.....	65	79	98	112	50	70
Landscape.....	98	118	148	168	31	44

Commenters have stated that sheet identification will require more than the 40 characters specified for both the Sheet ID and Superseded Sheet ID. These field lengths are limited by the number of characters that can be printed in the top margin in the format specified in the Commission's regulations. Therefore, staff has adopted abbreviation conventions that should be used when non-abbreviated sheet identification requires more than 40 characters. The standard abbreviations include:

Substitute: Sub
Alternate: Alt
Revised: /
First, Second, etc.: 1, 2, etc.
Sheet No.: (omit these words)

There are no abbreviations specified for "Original" and "Replacement". For original sheet identification, there should be little need for abbreviation. Staff prefers that the term "Substitute" be used in lieu of "Replacement".

Appendix B—Reply Comments of the Commission Staff to Comments Filed Pursuant to March 29, 1989, Certificate Formats, Docket No. RM87-17-000

Introduction

Ten interstate pipelines and one association filed comments in response to the certificate filing formats issued March 29, 1989. The commenters are: Northwest Pipeline Corporation, United

Gas Pipe Line Company, Texas Eastern Transmission Corporation, Algonquin Gas Transmission Company, Texas Gas Transmission Corporation, Columbia Gas Transmission Corporation, Enron Interstate Pipelines, Williston Basin Interstate Pipeline Company, El Paso Natural Gas Company, Natural Gas Pipeline Company of America, and the Interstate Natural Gas Association of America.

Commenters offered several suggestions that, where possible, have been adopted. The most significant change is a reduction in the number of record formats for Exhibit K. These changes have necessitated a renumbering of the record and item numbers. Item numbers in this appendix, unless otherwise indicated, are the item numbers associated with these final formats.

The comments focused on the following areas:

1. Record CA/03, and Exhibits F & G, all of which are related to the Environmental Report.
2. Records CA/04, 05, 06, 07, and 08, all of which are related to gas supply and market data, and;
3. Records CA/09 through CA/13, all related to facilities data in Exhibit K.

The general concern of the commenters in all three of these areas is that the Commission has designed record formats that go beyond what the regulations specifically require to be

filed in a certificate application or an abbreviated application.

The Commission staff has frequently issued formal data requests and deficiency letters to applicants in order to obtain additional information on applications. These requests and letters have been issued in both simple and complex proceedings. In more complex cases, there may be many formal requests during the course of the proceeding, not including informal data requests, even in most routine cases. The Commission staff has broad authority under §§ 157.8 and 157.14(c) of the regulations to request this additional information.

In an effort to lessen the instances where deficient applications are filed and to minimize the number of formal and informal data requests for information required in its analysis of an application, staff has designed a comprehensive structure for filing applications of all types. The formats maintain the flexibility of each applicant to determine the information it believes is necessary to insert in those filings. The Commission staff has added certain information to these structured records that it usually requests when the application involves certification of facilities and expansion into new or existing markets.

However, there is no change in the regulations identifying the contents of a

certificate filing. There is also no intent to require companies to file more information than they have previously been required to submit or to alter the timeframe in which certain information is submitted to the Commission. Applicants may report data in more or less detail than specified in the record formats, as appropriate to support an application.

General Information

Almost all of the commenters stated their concern that it will be onerous to submit executed service agreements for transportation services pursuant to § 284.223(b) on electronic media. While the service agreement itself is approximately five pages in length, the attachments indicating all of the possible receipt and delivery points can be several hundred pages in length. Staff agrees that executed service agreements pursuant to § 284.223(b) should not be required on electronic media and is clarifying the filing instructions accordingly. Refer to General Instruction 8.

Pro forma tariff sheets included in an application pursuant to § 157.14(a)(18)(i)(b) also will not be required on electronic media. These tariff sheets will not be part of the Commission's electronic tariff system. If changes to a pipeline's tariff are made necessary by the granting of a certificate, then the proposed tariff sheets will be filed on electronic media when the pipeline makes a separate tariff filing. These revisions are now reflected in formats under General Information, Part III(b).

A new sentence has been added to the end of General Information Part III (f) which states: "If these procedures are not adhered to, the filing will not be accepted."

A new subparagraph has been added to Part III (f) which reads:

The tape reel, cartridge, or diskette(s) must have a sticky label affixed indicating the company name and type of filing. Do not attach staples, paper clips, alligator clips, etc., to the electronic medium.

General Instructions

1. Several commenters noted that the certificate filing formats do not allow flexibility to insert nonstandard information in lieu of the required structured data records. This instruction specifically states that the structured data records are placed in FILE1. Footnotes to the structured data records are included in FILE2. Standard Header Record CA/l2 (old record CA/15) is used in FILE3 if information from the appropriate records in FILE1 and FILE2

is to be printed in the standard FERC hard copy report format.

Alternatively, records CA/13 and CA/14 (old records CA/16 and CA/17) are to be used in FILE3 if the applicant desires to insert text or use a nonstandard report format in the hard copy report. The text or nonstandard report records are inserted between the header and trailer records. When the print software encounters a Record CA/13, the program will print all records following the header record and preceding the trailer record. The information in FILE1 and FILE2, although still required to be included on electronic media, will not be used for print purposes.

To add further flexibility as requested by several of the commenters, Exhibit C now contains codes for those exhibits excluded from the requirements for electronically filed data. This will give the applicant the option of inserting nonstandard text or data in FILE3 that it believes is necessary to accompany and further explain the exhibits not required to be filed on electronic media.

Also, additional text, data, or any other miscellaneous information may be inserted using Records CA/13 and CA/14 and Regulation Section Code 127 from Exhibit C for § 157.14(b), "Additional Exhibits."

8. Executed Contract Text

This instruction caused a great deal of confusion and it is now modified to state that executed service agreements related to prior notice filings pursuant to Order No. 500, because of their size, do not have to be submitted on electronic media.

12. Record Lengths

The standard record length has been changed from 240 to 255 bytes. This is consistent with the maximum record length used for other filings required on electronic media. However, none of the record formats for certificate filings require more than 240 characters.

13. Pipeline Facility/Segment Number

This instruction has been renamed and modified to indicate that the first segment or facility in a project or projects is to be Number 1 and so on in sequence, regardless of the number of the project(s).

14. Mile Post

Since there is bi-directional flow on many pipelines depending upon the season, the phrase "in the direction of gas flow" is deleted.

16. Year Reported

In order to provide more flexibility, this instruction is modified to give the

applicant the option of using another basis for determining a twelve-month period other than the current instruction of November 1 through October 31. This will be accomplished by use of a footnote on Record CA/01 item 14. The footnote should also define the basis and the parameters of the weather patterns used in making the forecasts.

17. Winter Period Volume

The same flexibility will be given to the applicant as in No. 16 above, with the footnote appearing on the appropriate record(s).

18. Summer Period Volume

See Nos. 16 and 17 above.

20. Corrections to Errors in Filings

This instruction pertains only to errors in filings. If an amendment is filed, it should include all the information which is new or revised from the original filing and should by reference include that information from the initial filing that is pertinent, utilizing different file names than the initial filing.

Supplements to an application or responses to data requests should be filed on the enclosed formats, both standard and nonstandard, utilizing different filenames than the initial filing.

23. Records Required

This is a new title for this instruction. Apparently, there is some confusion with regard to the records that are required with each type of application. This instruction is modified to show that Record CA/02 is generally not required for applications requesting certification of facilities related to system supply, relocation of facilities, or replacement of facilities (that result in no change to existing customer services).

The instruction is also clarified to indicate that the receipt and delivery points required in Schedule 2 of the hard copy format are not just those points that are to be constructed but all points that are affected by the services for which certification is sought. If the application is a prior notice filing, Schedule 2 is not required and the receipt and delivery point information that is part of the service agreement will be provided in hard copy only as noted in General Instruction 8.

These structured formats standardize certain significant portions of the exhibits required in certificate filings and other information usually requested by the Commission staff in formal data requests. The formats are not meant to be a complete replacement or substitute for specific exhibits or portions of a certificate application. The applicant

has always had to decide how to comply with the regulations regarding the information and the amount of detail required to submit a complete application. The regulations for abbreviated applications (§ 157.7) have not been changed. The applicant therefore still has the same flexibility as in the past to include that information which it believes is necessary to submit a complete filing.

24. Exhibit K, Schedule Records CA/09 and CA/10

This is a new instruction that clarifies the relationship between Exhibit K and the regulations regarding abandonment (§ 157.18) that do not require an Exhibit K.

Several commenters suggested that old Records CA/09 through CA/13 did not capture all the data for Exhibit K as required by the regulations. Based upon these suggestions and with additional input from staff, the five record formats for Exhibit K have been reduced to two record formats which now contain what the regulations require. This includes certain detailed cost information normally requested by the staff in filings with significant facilities. The specific changes to Records CA/09 and CA/10 will be discussed below in more detail.

These new records are also modified to solve a dilemma addressed by several of the commenters regarding the Exhibit K records when there is a joint application or an application that involves more than one project by the same applicant (some commenters consider a single segment or a series of segments as one project and another group of segments or equipment as a second project). This will be resolved by inserting a new item, "Project Number", on these records.

25. Joint Applications

This is a new instruction to clarify a situation that does not occur very often, but can be complex in a structured format.

Schedule Records

Schedule/Record CA/01

Item 1 Company ID

If company is a new entity, leave blank. Commission staff will assign new ID.

Item 3 Date Filed

Leave blank if not known. Commission staff will add to files.

Item 4 Filing Type

New "code=3, supplement" is added.

Item 5 Docket Number

Commission staff will add original Docket Number to files.

Item 6 Type of Case

Some commenters seek space for additional types of cases and case codes. This is not necessary. Applicant need only select up to four codes that, in general terms, most clearly describe the application.

Item 10a Total Miles

New item to indicate total miles of pipeline facilities in application.

Item 10b Total Horsepower

New item to indicate total compressor horsepower proposed in application.

Item 10c Total Cost

New item to indicate total cost of all new facilities in application.

Item 10d Net Present Cost of Abandoned Facilities

New item to indicate the approximate net cost of the facilities proposed to be abandoned. Applicant is still required to justify the accounting treatment of these facilities.

Item 10e Maximum Daily Volume/Capacity

New Item indicating total volume or capacity proposed in the filing.

Item 12 Heat Content

Commenters stated that it is unclear what value should be used for heat content. Staff clarifies that an applicant should use the same value as in its FERC Form No. 2 filing.

Item 15 Data Sensitivity

New item added at request of commenters to indicate that privileged information is included in the application.

Note 1: Type of Case Codes:

Several commenters requested that a new "code=22, Other" be added, but did not give any examples of "other" types of cases. We do not believe a change is necessary. If the Commission's regulations are revised in the future to require additional types of applications or filings on electronic media, revisions to the record formats will be made at that time.

Schedule/Record CA/02

A new Note is inserted at the top of this record indicating how this record is to be used. Also several commenters requested that a new "code=8, none" be added to Item 16, Type of Customer/Shipper. This is unnecessary since this record need not be completed if the application does not propose any new or revised services for any customers. This could occur if the application proposes new facilities for system supply, relocations or replacements.

Item 22 Term of Service

Old Item 21. As requested by several commenters, the reporting units are changed from years to "months" for more flexibility.

Item 23 Evergreen Clause

As requested by some commenters, this is a new item to more accurately identify the true length of the contract.

Item 25 Receipt Point

The comment, "see general instruction 8" was added.

Item 26 Delivery Point

The comment, "see general instruction 8" was added.

Item 27a Project Number

This is a new item to associate a specific customer/shipper's service and volumes to an applicant's particular facility project as designated in Exhibit K of the application.

Note 2: This note has been modified to eliminate the reference to negative numbers, and that any facilities involved in an abandonment should be reported on Records CA/09 and CA/10.

Note 3: This note is clarified to indicate that receipt and delivery point(s) are to be reported when the construction and operation or abandonment of any facilities are proposed within the application.

Schedule/Record CA/03

Item 30 Factor Impact

Old item 28. A new "code=2, impact undetermined at time of filing, will provide as soon as possible" is added. All factors should be reported, even if Code=0, none. This will indicate that the applicant has analyzed the project and has made an initial determination that there is no impact associated with a particular factor.

Item 31 Facility/Segment Number

Old item 29. The name of this item is changed to coincide with item 110.

Item 34 Length (Miles)

Old item 32. The accuracy of two decimal places was included in this item to offer flexibility to the applicant. At their own option, several applicants in the past have reported lengths to this accuracy when the pipeline is routed through heavily congested or populated areas or through areas of significant environmental sensitivity such as wetlands, or sites with historical or archeological significance. Refer to discussion under Exhibit F for minimum precision required in reporting mile posts.

Schedule/Record CA/04

Item 39 Volume Reported Code

Old item 37. In the past the Commission Staff has requested gas supply information on a monthly basis. However, we have recently found that seasonal data is more meaningful for the types of analyses being undertaken today. Using

seasonal data rather than monthly data will reduce the amount of data required and thus reduce some of the burden on the industry. General instruction 16 was added to this item as well as items 53, 67, 81, and 95.

All supply and requirements codes not indicated as new or proposed are understood to be existing.

Item 40 Source of Supply

Old item 38. Code=1, pipeline contract, is to be specified in item 41. This was shown on the hard copy format but inadvertently left off the record format.

Code=4, the comment "(code 2 minus code 3)", is new.

Code=6, transportation; there is no indication on Record CA/04 or on the optional hard copy report format that this code was to be specified in Item 41, and it was not our intention for it to be so specified.

Transportation is to be reported in the aggregate and should be approximately in balance with that volume which is reported for transportation on Record CA/05. Code=5.

Items 49, 50, and 51

Old items 46, 47, and 48; Eighth, Ninth, and Tenth Year Forecast Volumes.

Under Exhibit H (§ 157.14(a)(10)), there is no specific time period described for a gas supply forecast. However, in the past the Commission has required twelve years and has modified this in recent years depending upon circumstances at the time. In Opinion 130, *Northern Natural Gas Co.*, 16 FERC 61,223 and two *Columbia Gas Transmission Corp.* cases, 15 FERC 61,243; 17 FERC 61,252 and 21 FERC 61,026, the Commission adopted a flexible supply standard that took the approach of each growth case being analyzed on its own merits and that no industry-wide deliverability standard was necessary during a time of great changes in the industry. The industry is still undergoing great changes due to a more competitive marketplace and constant restructuring of supply contracts and pricing.

This flexible standard has likewise given a pipeline greater flexibility in preparing its certificate applications such that, depending upon its sources of supply, its acquisition program, the size and scope of the services to be rendered, the number of customers involved, and the comparative nature of the applicant's filing to other applications proposing the same

services, pipelines have submitted gas supply information to the Commission on a routine basis for periods ranging from three to ten years.

Therefore, Records CA/04 through CA/08 have been devised to create a 10-year report (3 actual and 7 projected). If the information submitted for Exhibits H and I is insufficient (as well as any other lack of information) to make a decision on the merits, the Commission staff has the option under § 157.14(c) to request the additional information in the same formats presently under discussion.

Item 52 Production Area

Old item 50. This item is used to identify volumes in Item 40. code=5, field production. A new Note 4 has been added indicating that if the applicant uses a different method of describing these areas or aggregates them in some manner not easily broken out by these codes, it should choose a production area code from Exhibit D that most closely approximates the applicant's particular supply area and indicate in a footnote any differences.

Schedule/Record CA/05

Item 54 Requirements Code

Old item 52. The definition of Codes 8 and 9 are reversed to be consistent with the hard copy format.

The discussion under Schedule/Record CA/04 regarding Volume Reported Codes and Eighth, Ninth and Tenth Year Forecast Volumes also applies to this record.

Scheduled/Record CA/06

Item 68 Source of Supply Code

Old item 66. In addition to Codes 9 and 13, Codes 1, 2, 6, 11, and 12 are also identified in Item 80, old item 78.

This information pertains to the supply sources of the pipeline's customers, not to the applicant. In the past, applicants have usually obtained the information required in Item 68 from any customer requesting new, increased, or modified services from the applicant.

The discussion under Schedule/Record CA/04 regarding Volume Reported Codes and Eighth, Ninth and Tenth Year Forecast Volumes also applies to this record.

Schedule/Record CA/07

No changes

The discussion under Schedule/Record CA/04 regarding Volume

Reported Codes and Eighth, Ninth and Tenth Year Forecast Volumes also applies to this record.

Schedule/Record CA/08

No changes

The discussion under Schedule/Record CA/04 regarding Volume Reported Codes and Eighth, Ninth and Tenth Year Forecast Volumes also applies to this record.

Schedule/Record CA/09

This schedule record has been renamed "Exhibit K, Physical and Location Factors"

Based upon the suggestions of several commenters and additional input from the Commission Staff, this record and Record CA/10 have been restructured to add flexibility for the applicant and to capture much of the data required by the regulations and certain other data that is normally requested by staff in larger applications.

Item 109 Project Number

This is a new item that has been added at the request of several commenters. It can be used to differentiate between facilities grouped into more than one project in an application.

Item 110 Facility/Segment Number

Old item 116. This item has been renamed.

Item 111 Information Reported Code

New item.

Item 112 Proposed Status

Old item 107. A new *general instruction 24* is added to code=2, abandonment.

Item 113 Type of Facility

This is a new item which in effect reduces the required number of records for each facility/segment to two. A new Note 5 has been added to indicate some examples of how the items in this record relate to each other.

code=02, river crossing

This code has been added to delineate between a significantly different type of pipeline segment and a typical segment.

code=04, compressor (addition)

This code has been added to differentiate between a totally new compressor station and additional new compressor units at an existing station. Also refer to Note 6.

Item 115 Type of Segment

Old item 122. This item has been renamed.

code=3, replacement facility

code=4, system supply/capacity

code=5, relocation

These three new codes are included at

the request of many commenters to give the applicant added flexibility.

Item 118 Length of Segment

Old item 119. The stated accuracy of $\frac{1}{100}$ of a mile is for flexibility of the applicant. Applicants may report segment lengths to the same level of detail as in prior applications. Refer to discussion under Item 34.

Item 119 Valve Assemblies

This is a new item. Staff normally requires the number of valve assemblies in each segment on major projects to verify compliance with Department of Transportation regulations and cost projections.

Item 121 Wall Thickness

New Item normally included in the detail of Exhibit K.

Item 124 Horsepower

Old item 130. A new Note 6 has been added to indicate that multiple compressors at one location should be described in a footnote. The note also indicates that other work performed at a compressor station to change the horsepower should be reported in item 113 (code=10) and item 114.

Item 125 County Location

Old item 124. A new Note 7 has been added to indicate that if a segment traverses one or more jurisdictions, only indicate that jurisdiction which contains the major portion of the segment.

Item 126 State Location

Old item 125. Refer to Note 7 for description of treatment if segment traverses more than one state.

Item 128 Cost

This is a new item which captures the total cost of a single facility/segment, a project, or all projects depending on the code reported for item 111. A new Note 8 has been added to indicate how the approximate cost for abandoned facilities is to be indicated.

Note 5, Note 6, Note 7, and Note 8

The above notes are all new on this schedule record.

Schedule/Record CA/10

This is a new record, named "*Exhibit K, Cost Factors & Total Costs*" which captures all of the detailed estimated costs for a specific facility/segment, project(s), and all projects within an application.

The following items are required by the regulations:

Item 132 Right of Way

Item 133 Damages

Item 134 Surveys

Item 135 Materials

Item 136 Labor

Item 137 Engineering and Inspection

Item 144 Overheads

Item 145 AFUDC

Item 146 Contingencies

Item 147 Legal Fees

Item 148 Other Services and Costs

Item 149 Regulatory Fees.

The following items are an optional detailing of costs that are normally requested by the Commission staff in cases where a significant amount of facilities are proposed:

Item 138 Line Pack

Item 139 Taxes

Item 140 Freight

Item 141 Pipe Coating

Item 142 Cathodic Protection

Item 143 Telecommunication Equipment.

Schedule/Record CA/11 (Old CA/14)

Footnotes

There are no changes to this record except that the note at the bottom of the page has been renumbered to Note 9.

Schedule/Record CA/12 (Old CA/15)

Standardized Format Header Record

Item 150 Regulation Section Code

This item name was missing a number in the earlier draft.

Schedule/Record CA/13 (Old CA/16)

Nonstandard Format Header Record

Item 151 Regulation Section Code

This item was missing a number in the earlier draft; also the number of character positions has been corrected to 3.

Item 152 Orientation

An item number has been added.

Item 153 Pitch

An item number has been added.

Note 10 Old Note 5

Schedule/Record CA/14 (Old CA/17)

Nonstandard Trailer Record

No changes.

Exhibits

Exhibit A

Certain minor typographical errors corrected. The word "amendment" has been changed to "supplement."

Exhibit B

Certain minor typographical errors corrected. The word "amendment" had been changed to "supplement."

Exhibit C

At the request of almost all of the commenters, new Regulation Section Codes have been assigned to those exhibits and materials which are excluded from the filing on electronic media. This has necessitated a renumbering of several of these codes. Also, Record CA/05, the applicant's

system market data required in Exhibit I (§ 157.14(a)(11)), is moved in order to print that data in conjunction with Record CA/04, the supply information required in Exhibit H (§ 157.14(a)(10)).

Exhibit D

No changes.

Exhibit E

No changes.

Exhibit F

Many comments, both general and specific, were received concerning this exhibit and Exhibit G, both of which pertain to the environmental aspects of an application. All comments have been noted and specific comments will be addressed under the factors to which they apply. In general, a great deal of concern has been generated by the apparent misunderstanding that all environmental data and information is required at the time of filing in order to be in compliance with the requirements of the regulations. While this is true in theory, it has been observed in practice that applicants almost always initially file less than is required by the staff and the regulations to fully analyze the environmental aspects of an application. This has necessitated voluminous data requests to the applicant throughout the processing of an application, and has lengthened the review period.

The information required in Record CA/03 and the accompanying instructions in this Exhibit F is information that staff has historically requested applicants to provide. As discussed below, Record CA/03 has been made more flexible to accommodate some of the concerns of the commenters.

Staff understands that not all necessary data can be obtained at the time of filing. For this reason, staff has included a new code=3 under "Item 30—Factor Impact" on Record CA/03, to indicate that the impact of a factor is undetermined at the time of filing. This will allow the applicant to forego the submission of certain data that can later be filed as a supplement in the same format. However, applicants should be aware that the more information and data that is available to the staff at the time of initial filing, the quicker staff can analyze the application since fewer data requests to the applicant will be required.

Code=3, "Impact undetermined at time of filing, will provide as soon as possible", should be used when information and data are legitimately not available. For example, much of the information requested in Record CA/03

may be determined from maps and aerial photography, as built drawings for looping projects, and consultations with the appropriate federal, state, and local authorities. To the extent that the pipeline route and the affected areas of impact are modified subsequent to the initial filing, such information, as it becomes available, should be filed as a supplement in the structured format of Record CA/03.

Commenters also argued that the accuracy of 0.05 mile (264 feet) required in Record CA/03, Item 34, is too refined, especially in submitting information in the initial filing. Staff realizes, as commenters have noted, that the final route of a pipeline may vary considerably from the route that is initially filed; however, the final route should not vary considerably from the route studied by staff under NEPA, except as modified by certificate conditions. The 0.05 mile is based on the filed route. Since an applicant is requested to file its route on USGS 7.5 minute topographical maps, the applicant should experience little difficulty in measuring mile posts to this precision (approximately $\frac{3}{16}$ of an inch on a 7.5 minute scale) with respect to the proposed alignment. While the surveyed route may be different, it will certainly yield mile post locations with greater precision, which must be reported when available.

The following comments are factor specific with regard to Exhibit F:

Factor Number

1. Staff is concerned with the short-term turbidity and its effects on water supplies caused during actual instream construction. At this time the sediment plume can extend further than one mile downstream and some water systems may not have alternative water source or stream intake. During construction and depending on certain conditions, water quality, *i.e.*, turbidity, can be affected further than 3 miles.

2. The applicant should provide the location of identified municipal watersheds, and the sites where construction would cross an area such as watersheds for reservoirs, well fields or a well recharge area.

3. Staff is seeking information from the applicant on streams already identified by the various appropriate regulatory agencies as being contaminated.

4. As specified in Report 2 of Exhibit G on Water Use and Quality, the application, and therefore the spreadsheet, must discuss perennial streams.

9. Use the best available information if National Wetland Inventory maps are not available for a specific area.

10. See 9 above.

16. We agree. This information would require consultation with the U.S. Fish and Wildlife Service.

17. The U.S. Fish and Wildlife Service designates both Federal threatened and endangered species (proposed and listed) and their critical habitats.

18. These locations should be determined as close as possible in consultation with state and local authorities. A code 3 can be utilized in the initial filing until this information becomes available and can be submitted in a supplemental filing.

19. This information is readily available from existing information and from the State Historic Preservation Officers in each state, or needs to be determined as a result of a survey.

20. See discussion in 19 above.

21. See discussion in 19 above.

22. See discussion above regarding new code on CA/03.

23. See 22 above; surveys may be required.

24. Information on known active faults is readily available.

30. Slopes can be determined from topo sheets and maps and soil types can generally be ascertained from general county soil maps or consultations with the Soil Conservation Service (SCS).

31. See 30 above.

32. The applicant can show in the resource report section of its exhibit that portion of the site to be converted to non-farm use. However, this is best shown on a map indicating soil series and the location of the applicant's facilities. It is necessary for staff to have an understanding of the characteristics of the entire site. While staff acknowledges that much of the site may remain undeveloped, the entire site must be studied. Many times, prime farmland is also the best site for an aboveground facility.

35. The staff routinely requests this information in response to many past concerns raised during the analysis of a project. A discussion of the information gathered appears in every environmental document published by the Commission's Office of Pipeline and Producer Regulation.

37. See discussion for factor 35 above.

52. See discussion for factor 35 above.

53. This information is readily available.

63. The definition is revised to: 55 dBA "or more stringent state or local values."

Exhibit G

The information required by Part 380 of the regulations regarding an environmental report has been structured into twelve resource reports by the staff. This has resulted in a more usable format that logically arranges the detailed information required by the regulations for the staff in publishing its environmental documents.

The use of this preferred format to obtain the necessary information for the environmental report as required by the regulations is optional, and the applicant may still file utilizing the structure for the report as required by Part 380. However, if the applicant chooses to use the preferred format as shown in this exhibit, this format will allow the staff to save valuable time in structuring the required information, preparing an analysis, and subsequently, issuing its environmental document.

Further, staff recognizes that some information required in the Environmental Report may not be available to the applicant at the time of the initial filing, and that this information will have to be submitted in supplemental filings prior to any certification. However, this information should be filed in the preferred format in order to expedite the processing of the applicant's filing.

The Commission has primary NEPA responsibility for interstate gas transmission facilities. To the extent that other agencies are involved, the certificate granted by the Commission to the applicant is the authorizing action upon which an applicant may proceed with its construction of facilities or other activities granted by the certificate.

The following comments are directed specifically to each report depending on the issues raised by the commenters.

Report Number

1. The instructions state that aerial photographic maps shall be provided "when available."

With respect to nonjurisdictional facilities as (f) and (g), the staff must analyze the entire project including nonjurisdictional facilities and report on the probable impacts. In addition, under the Threatened and Endangered Species Act, as amended, and the National Historic Preservation Act, staff must examine the impact that the *entire* project, both jurisdictional and nonjurisdictional, might have on threatened and endangered species and cultural resources.

2. As discussed above, where wetland maps are unavailable, use the best available information.

If the surface of the land is to be disturbed, the activity has the potential to affect water quality in the area.

3. See discussion under 2 above. Any activity, whether on existing or expanded right of way, has the potential to impact biological resources. It is the burden of the applicant to show why there would not be adverse impacts.

4. See discussion under 1, 2 and 3 above for the same reasons.

5. This report is required only for new major aboveground facilities such as compressor stations, LNG facilities and large aboveground nonjurisdictional facilities directly connected to the applicant's proposed project (such as power plants or cogeneration facilities, etc.).

6. See discussion under 1, 2 and 3 above for the same reasons.

7. See discussion under 1, 2 and 3 above for the same reasons. Also, see discussion under factor number 32.

8. The staff must be able to analyze all existing land uses in the vicinity of a proposed project. Identification of these areas including storage and production areas is required in order for staff to perform a complete assessment.

With regard to part (d) of this report, staff realizes that specific details with respect to compensation may not be resolved and therefore, seeks general information and descriptions as to how the value of the right of way is determined, who determines it, and how damages might be determined. Likewise, a concise description of the eminent domain process in the project area should be supplied using the same guidelines.

As a general rule however, such information regarding compensation is not confidential and may be requested in certain cases.

9. Since there are many times that equipment parameters can be provided to the Commission prior to the time that state permit applications are filed, the information requested is still valid and has not been changed. Waiting for state permits could delay processing by the Commission.

12. In (a), the reference to (ii)(a-k) is revised to (b)(i-xvi). In (b)(iv), "cut" surfaces means "pipe cuts."

Further, staff is responsible for formally transmitting the information required in this report to the Environmental Protection Agency (EPA) under the September 17, 1987 letter of agreement. If an EPA approved plan has already been obtained by the applicant, a copy should be provided to the Commission. If this report does not

apply to the applicant or the project, it is not required to be filed.

Exhibit H

Other than the changes already described above, the only significant change to the hard copy reports are those made to capture most of the significant physical, locational, and cost factors required by Exhibit K.

One commenter suggests that the 16.6 characters per inch (cpi) pitch and margin settings of 5 and 175 respectively, for the landscape reports in this exhibit are in excess of industry standards. The commenter recommends that hard copy reports be limited to print lines of 80 cpi for portrait and 132 cpi for landscape. While these print lines have been widely used, they were for a time one of the limiting factors for a typical mainframe line printer. However, laser printers have greater flexibility to compress characters than was possible utilizing older printers.

Staff reiterates that the hard copy report formats in this exhibit are optional. An applicant may utilize a different format for printing the structured data. However, the applicant must still submit the required data in the structured data formats of Records CA/01 through CA/11.

[FR Doc. 89-13999 Filed 6-12-89; 8:45 am]

BILLING CODE 5717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 520 and 556

Animal Drugs, Feeds, and Related Products; Albendazole Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by SmithKline Animal Health Products. The NADA provides for safe and effective use of albendazole suspension as an anthelmintic in cattle. The regulations are also amended to establish a tolerance for albendazole residues in edible cattle tissues.

EFFECTIVE DATE: June 13, 1989.

FOR FURTHER INFORMATION CONTACT: John L. Olsen, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION:

SmithKline Animal Health Products, Division of SmithKline Beecham Corp., 1600 Paoli Pike, West Chester, PA 19380, filed NADA 110-048 providing for oral use of an 11.36-percent albendazole suspension (ValbazenTM) in cattle. It is used for removal and control of adult liver flukes, heads and segments of certain tapeworms, adult and 4th stage larvae of certain stomach worms (brown stomach worm, barberpole worm, small stomach worm), intestinal worms (thread-necked intestinal worm, small intestinal worm), and lungworms, 4th stage inhibited larvae of brown stomach worms, and adult stages of certain intestinal worms (hookworm, bankrupt worm, nodular worm).

The NADA is approved and the regulations are amended by adding new 21 CFR 520.45 and 520.45a to reflect the approval. Additionally, the regulations are amended to establish a tolerance for residues of albendazole in edible cattle tissues by adding new 21 CFR 556.34. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA 305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 520

Animal drugs.

21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Parts 520 and 556 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. New §§ 520.45 and 520.45a are added to read as follows:

§ 520.45 Albendazole oral dosage forms.

§ 520.45a Albendazole suspension.

(a) *Specifications.* The product contains 11.36 percent albendazole.

(b) *Sponsor.* See No. 000007 in § 510.600 of this chapter.

(c) *Related tolerances.* See § 556.34 of this chapter.

(d) *Conditions of use in cattle—(1) Amount.* 4.54 milligrams per pound of body weight (10 milligrams per kilogram).

(2) *Indications for use.* For removal and control of the following internal parasites of cattle: Adult liver flukes (*Fasciola hepatica*); heads and segments of tapeworms (*Moniezia benedeni*, *M. expansa*); adult and 4th stage larvae of stomach worms (brown stomach worms including 4th stage inhibited larvae (*Ostertagia ostertagi*), barberpole worm (*Haemonchus contortus*, *H. placei*), small stomach worm (*Trichostrongylus axei*)); adult and 4th stage larvae of intestinal worms (thread-necked intestinal worm (*Nematodirus spathiger*, *N. helvetianus*), small intestinal worm (*Cooperia punctata* and *C. oncophora*)); adult stages of intestinal worms (hookworm (*Bunostomum phlebotomum*), bankrupt worm (*Trichostrongylus colubriformis*), nodular worm (*Oesophagostomum radiatum*)); adult and 4th stage larvae of lungworms (*Dictyocaulus viviparus*).

(3) *Limitations.* Administer as a single oral dose using dosing gun or dosing syringe. Do not slaughter within 27 days of last treatment. Do not use in female dairy cattle of breeding age: Do not administer to female cattle during first 45 days of pregnancy or for 45 days after removal of bulls. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. The authority citation for 21 CFR Part 556 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

4. New § 556.34 is added to read as follows:

§ 556.34 Albendazole.

A tolerance is established for residues of albendazole in uncooked edible cattle tissues as follows:

(a) The tolerance for the 2-aminosulfone metabolite (marker residue) in cattle liver (target tissue) is 0.2 part per million. The tolerance refers to the concentration of marker residue in the target tissue used to monitor for total drug residues in the target animals.

(b) The safe concentrations for total albendazole residues in uncooked edible tissues of cattle are 0.6 part per million in muscle, 1.2 parts per million in liver, 1.8 parts per million in kidney, and 2.4 parts per million in fat. A safe concentration refers to the total residue concentration considered safe in edible tissues.

Dated: June 5, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89-13968 Filed 6-12-89; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Salinomycin and Chlortetracycline

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by the American Cyanamid Co. providing for the use of previously approved salinomycin and chlortetracycline Type A medicated articles to make Type C medicated feeds for broilers. The feeds are indicated for use for the prevention of coccidiosis and as an aid in the reduction of mortality due to certain infections.

EFFECTIVE DATE: June 13, 1989.

FOR FURTHER INFORMATION CONTACT:

Dianne T. McRae, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION:

American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, filed NADA 140-859 providing for combining separately approved salinomycin and chlortetracycline Type A medicated articles to make Type C medicated feeds for broilers. The Type C medicated feeds contain salinomycin sodium, 40 to 60 grams per ton and chlortetracycline, 500 grams per ton. The Type C medicated feeds are indicated for use

for the prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati*, and as an aid in the reduction of mortality due to *E. coli* infections susceptible to such treatment. The NADA is approved and the regulations are amended in 21 CFR 558.128 by redesignating paragraph (c)(5)(xi) as paragraph (c)(5)(xii) and by adding a new paragraph (c)(5)(xi) and in 21 CFR 558.550 by adding new paragraph (b)(1)(xvi). The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(ii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. Section 558.128 is amended by redesignating paragraph (c)(5)(xi) as paragraph (c)(5)(xii) and by adding a new paragraph (c)(5)(xi) to read as follows:

§ 558.128 Chlortetracycline.

* * * * *

(c) * * *

(5) * * *

(xi) Salinomycin in accordance with § 558.550.

* * * * *

3. Section 558.550 is amended by adding new paragraph (b)(1)(xvi) to read as follows:

§ 558.550 Salinomycin.

(b) * * *

(1) * * *

(xvi)(a) Amount per ton. Salinomycin 40 to 60 grams and chlortetracycline 500 grams.

(b) Indications for use. For the prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati*, and as an aid in the reduction of mortality due to *E. coli* infections susceptible to such treatment.

(c) Limitations. Do not feed to layers. In feeds containing 0.8 percent dietary calcium not to be fed for more than 5 days. Not approved for use with pellet binders. Withdraw 24 hours before slaughter. May be fatal if accidentally fed to adult turkeys or horses. Chlortetracycline as provided by No. 010042 in § 510.600(c) of this chapter.

Dated: June 1, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89-13969 Filed 6-12-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 625

[FHWA Docket No. 89-15]

RIN 2125-AC 31

Design Standards for Highways; Guide Specifications for Bridge Railings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule and request for comments.

SUMMARY: The Federal Highway Administration (FHWA) is updating the guides and references list in 23 CFR Part 625 by adding the American Association of State Highway and Transportation Officials (AASHTO) 1989 "Guide Specifications for Bridge Railings." Also, FHWA is considering a possible future rulemaking action related to bridge railing design and is requesting public comment on the AASHTO guide specifications, on their possible application as a standard rather than as a guide on Federal-aid projects, and on any other bridge railing design-related subjects.

DATES: The final rule is effective June 13, 1989. The comment period on bridge railing design will remain open until further notice.

ADDRESS: Submit written, signed comments to FHWA Docket No. 89-15, Federal Highway Administration, Room 4232, HCC-10, 400 Seventh Street SW., Washington, DC, 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m. e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: James H. Hatton, Office of Engineering (202) 366-1329, or Michael J. Laska, Office of the Chief Counsel (202) 366-1383. Office hours are from 9:00 a.m. to 5:30 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION:

Background

Section 625.4(b)(1) of 23 CFR establishes requirements for bridge railing designs for Federal-aid highway projects as those contained in the AASHTO's Standard Specifications for Highway Bridges (standard specifications). Those specifications describe analysis procedures and minimum geometric and structural requirements for the design of bridge railings. They also provide an exemption from those requirements for bridge railing designs that successfully pass full-scale crash tests.

On August 28, 1986, the Executive Director of the FHWA directed field personnel of the FHWA to encourage State highway agencies to use only crash tested railings on Federal-aid bridges. Historically, although not expressed in the AASHTO specifications, the crash tests that have been accepted as the tests for qualifying bridge railings have been those described in the National Cooperative Research Program (NCHRP) Report 230—Recommended Procedures for the Safety Performance Evaluation of Highway Appurtenances (copy available for inspection in the public docket file) or similar predecessor documents. Specifically, the strength test for a railing has been accepted as one in which the railing is impacted with a 4500-pound automobile traveling at 60 mph and at an angle of 25 degrees to the railing. Although some inconsistencies have been revealed, the NCHRP Report 230 strength test and the AASHTO railing design requirements result in railings with reasonably comparable strengths. However, both imply a single

performance level requirement for bridge railings, a level higher than needed for some sites and possibly lower than desirable for other sites. To overcome this deficiency in current railing design practice and to ensure the efficacy of railing designs, the AASHTO has adopted "Guide Specifications for Bridge Railings" (guide specifications), which recognizes three railing performance levels and defines those performance levels through specific full-scale crash tests each performance level railing must pass.

In the guide specifications, from the lowest to the highest performance level, the strength tests are, respectively, a 5400-pound pickup truck impacting at 20 degrees and 45 mph, an 18,000-pound single unit truck impacting at 15 degrees and 50 mph, and a 50,000-pound tractor-trailer truck impacting at 15 degrees and 50 mph. To test railings for safe performance with small vehicles, the guide specifications prescribe an 1800-pound automobile test for each performance level. At performance level 1 (PL-1) the test is run at 20 degrees and 50 mph. For PL-2 and PL-3 the test speed is increased to 60 mph. A 5400-pound pickup truck test is also prescribed for PL-2 and PL-3 railings to ensure safe performance with intermediate size vehicles. The pickup truck test for both of these levels is at 20 degrees and 60 mph. The guide specifications also provide procedures for determining conditions under which the use of a given performance level railing would be appropriate.

The FHWA will consider railings developed and used according to the procedures contained in the guide specifications as meeting the requirements of the railing design requirements of the standard specifications and, thus, Federal-aid requirements. The FHWA believes railing design and selection procedures such as those contained in the guide specifications will prove superior to those currently in the standard specifications and, therefore, will encourage use of the guide specifications and, possibly, their future adoption as requirements on Federal-aid projects. However, since application of the guide specifications is just beginning, the FHWA believes it would be premature to make the guide specifications a Federal-aid requirement at this time. Over the next two to three years the FHWA will be observing the application of the guide specifications, with the expectation that at some point in that period it will begin a formal notice and comment rulemaking action to adopt a version of the guide

specifications as a Federal-aid requirement. For this reason, the FHWA is requesting comments from the public on the guide specifications, their application, and any other bridge railing design related subjects.

Regulatory Evaluation and Impact

The FHWA has determined that this amendment does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. The revision contained in this amendment is primarily informational. The publication being added contains material that is not in fact a standard or requirement. Since this amendment does not alter the basic design criteria and the burden imposed on the States is not affected, the impact on the overall highway program is negligible. Therefore, a full regulatory evaluation has not been prepared.

The new nonregulatory publication cited in this amendment simply provides guidance and information for use at the discretion of the designer. Therefore, the FHWA finds good cause to make the amendment final without notice and comment and without a 30-day delay in effective date as provided by the Administrative Procedure Act. Owing to the nature of the document, notice and opportunity for comment are not required under the regulatory policies of the Department of Transportation because it is not anticipated that such action would result in the receipt of information that would be useful at this time. Accordingly, the amendment is effective upon publication. However, as stated previously, FHWA is considering a future notice and comment rulemaking action related to the subject of bridge railing design and is requesting comments on the guide specifications and any other bridge railing design related subjects for its future consideration.

Regulatory Flexibility Act and Federalism Assessment

Based on the discussion above and under the criteria of the Regulatory Flexibility Act (Pub. L. 96-354), the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

The FHWA has carefully considered the federalism implications of this action in the light of the principles, criteria, and requirements of the President's Executive Order on Federalism, E.O. 12612, October 26, 1987. The FHWA has determined that this action does not have sufficient federalism implications

to warrant the preparation of a federalism assessment.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center Publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

List of Subjects in 23 CFR Part 625

Design standards, Grant programs—transportation, Highways and roads, Reporting and recordkeeping requirements.

In consideration of the foregoing, the FHWA is amending Chapter I of Title 23, Code of Federal Regulations, Part 625 as set forth below.

Issued on: June 7, 1989.

R.D. Morgan,
Executive Director.

The FHWA hereby amends 23 CFR Part 625 as follows:

PART 625—DESIGN STANDARDS FOR HIGHWAYS

1. The authority citation of Part 625 continues to read as follows:

Authority: 23 U.S.C. 109, 315, and 402; 49 CFR 1.48(b).

2. In § 625.5 a new paragraph (b)(8) is added to read as follows:

§ 625.5 Guides and references.

* * * * *

(b) * * *

(8) Guide Specifications for Bridge Railings, AASHTO 1989. [3]

[FR Doc. 89-13927 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-22-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6834]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final Rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has

been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective date shown in this rule because of noncompliance with the revised floodplain management criteria of the NFIP. If FEMA receives documentation that the community has adopted the required revisions prior to the effective suspension date given in this rule, the community will not be suspended and the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATE: As shown in fifth column.

FOR FURTHER INFORMATION CONTACT:

Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, Federal Center Plaza, 500 C Street, SW., Room 416, Washington, DC 20472, (202) 646-2717.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the NFIP (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures.

On August 25, 1986, FEMA published a final rule in the Federal Register that revised the NFIP floodplain management criteria. The rule became effective on October 1, 1986. As a condition for continued eligibility in the NFIP, the criteria at 44 CFR 60.7 require communities to revise their floodplain management regulations to make them consistent with any revised NFIP regulation within 6 months of the effective date of that revision or be subject to suspension from participation in the NFIP.

The communities listed in this notice have not amended or adopted floodplain management regulations that incorporate the rule revision. Accordingly, the communities are not compliant with NFIP criteria and will be suspended on the effective date shown in this final rule. However, some of these communities may adopt and submit the required documentation of legally enforceable revised floodplain management regulations after this rule is published but prior to the actual suspension date. These communities

will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

The Administrator finds that notice and public procedures under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 90- and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective

suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to adopt

adequate floodplain management measures, thus placing itself in noncompliance with the Federal standards required for community participation.

List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and community name	County	Community No.	Effective date
Colorado:			
Akron, town of	Washington	080177	June 19, 1989.
Buena Vista, town of	Chaffee	080030	Do.
Unincorporated areas	Clear Creek	080034	Do.
Crested Butte, town of	Gunnison	080079	Do.
Erie, town of	Weld	080181	Do.
Fort Morgan, city of	Morgan	080131	Do.
Unincorporated areas	Garfield	080205	Do.
Idaho Springs, town of	Clear Creek	080036	Do.
Milliken, town of	Weld	080187	Do.
Monte Vista, town of	Rio Grande	080155	Do.
Unincorporated areas	Montrose	080124	Do.
Unincorporated areas	Ouray	080136	Do.
Ouray, city of	Ouray	080137	Do.
Paonia, town of	Delta	080045	Do.
Rockvale, town of	Fremont	080221	Do.
Unincorporated areas	San Juan	080267	Do.
Unincorporated areas	San Miguel	080166	Do.
Silverthorne, town of	Summit	080201	Do.
Steamboat Springs, city of	Routt	080159	Do.
Superior, town of	Boulder	080203	Do.
Thornton, city of	Adams	080007	Do.
Wellington, town of	Larimer	080104	Do.
Wiggins, city of	Morgan	080204	Do.
Iowa:			
Carter Lake, city of	Pottawattamie	190492	Do.
Elberon, city of	Tama	190728	Do.
Kansas—unincorporated areas	Labette	200590	Do.
Nebraska:			
Unincorporated areas	Buffalo	310419	Do.
Paxton, village of	Keith	310130	Do.
Peru, city of	Nemaha	310157	Do.
Platte Center, village of	Platte	310178	Do.
Pleasanton, village of	Buffalo	310017	Do.
Raymond, village of	Lancaster	310138	Do.
Salem, village of	Richardson	310185	Do.
Scottsbluff, city of	Scotts Bluff	310206	Do.
Snyder, village of	Dodge	310319	Do.
St. Edward, city of	Boone	310010	Do.
Tecumseh, city of	Johnson	310127	Do.
Tekamah, city of	Burt	310024	Do.
Union, village of	Cass	310035	Do.
Weeping Water, city of	Cass	310036	Do.
Winnebago, village of	Thurston	310223	Do.
Wisner, city of	Cuming	310049	Do.
Wymore, city of	Gage	310095	Do.
Unincorporated areas	York	310486	Do.
North Dakota—North River, city of	Cass	380623	Do.
South Dakota:			
Hudson, town of	Lincoln	460049	Do.
Mission, city of	Todd	460202	Do.
Rapid City, city of	Pennington	465420	Do.
Utah:			
Helper, city of	Carbon	490034	Do.

State and community name	County	Community No.	Effective date
Moab, city of.....	Grand.....	490072.....	Do.
Riverdale, city of.....	Weber.....	490190.....	Do.
Salt Lake City, city of.....	Salt Lake.....	490105.....	Do.
South Jordan, city of.....	Salt Lake.....	490107.....	Do.
Unincorporated areas.....	Utah.....	495517.....	Do.

Issued: June 6, 1989.

Harold T. Duryee,
Administrator, Federal Insurance
Administration.

[FR Doc. 89-13997 Filed 6-12-89; 8:45 am]

BILLING CODE 5715-21-M

Proposed Rules

Federal Register

Vol. 54, No. 112

Tuesday, June 13, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 294

Implementation of the Freedom of Information Act

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: These proposed regulations (1) outline that material that the Office of Personnel Management (OPM) generally makes available for public inspection and copying pursuant to the Freedom of Information Act, and (2) implement the requirements of Executive Order 12600 concerning the release of confidential commercial information requested under the Freedom of Information Act. In a separate document OPM has also published final regulations amending Part 294 which implement the requirements of the Freedom of Information Reform Act of 1986. In the interest of clarity, OPM is republishing the text of those final regulations here in their entirety, along with the changes to Part 294 that OPM proposes in this document.

DATE: Comments on §§ 294.106, Index of information and 294.112, Confidential commercial information, must be received on or before August 14, 1989.

ADDRESS: Comments may be sent or delivered to John F. Siegrist, Jr., Assistant Director for Information Management, Administration Group, Office of Personnel Management, Room 6410, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: C. Ronald Trueworthy, (202) 632-0261.

SUPPLEMENTARY INFORMATION: OPM is publishing in a separate document final rules which implement the Freedom of Information Reform Act of 1986. OPM proposes to revise § 294.106, Index of information, to clearly reflect OPM's practices and the requirements of the Freedom of Information Act. OPM also proposes to add § 294.112, Confidential commercial information, to comply with

Executive Order 12600, which was issued on June 23, 1987. This executive order directed each Executive department and agency subject to FOIA, to establish procedures for notifying submitters of records containing confidential commercial information, when those records were requested under the FOIA and it was determined that the records may have to be disclosed. This section contains OPM's proposed procedures for notifying submitters of confidential commercial information.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal employees and agencies.

List of Subjects in 5 CFR Part 294

Administrative practice and procedure, Freedom of Information, U.S. Office of Personnel Management.

Constance Horner,
Director.

Accordingly, OPM is proposing to amend 5 CFR Part 294 to read as follows:

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

1. The authority for Part 294 continues to read as follows:

Authority: 5 U.S.C. 552, Freedom of Information Act, Pub. L. 92-502, as amended by the Freedom of Information Reform Act of 1986, Pub. L. 99-570, and E.O. 12600, 52 FR 23781 (June 25, 1987).

2. In Subpart A, §§ 294.101-294.105 and §§ 294.107-294.111 and Subpart D are republished; § 294.106 is revised, and § 294.112 is added to read as follows:

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

Sec.

294.101 Purpose.

294.102 General definitions.

294.103 Definitions of categories and assignment of requests and requesters to categories.

294.104 Clarifying a requester's category.

Sec.

294.105 Access to the requester's own records.

294.106 Index of information.

294.107 Places to obtain records.

294.108 Procedures for obtaining records.

294.109 Fees.

294.110 Appeals.

294.111 Custody of records; subpoenas.

294.112 Confidential commercial information.

* * * * *

Subpart D—Cross References

294.401 References.

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

§ 294.101 Purpose.

This subpart contains the regulations of the Office of Personnel Management (OPM) implementing the Freedom of Information Act (FOIA), 5 U.S.C. 552. Except as provided by § 294.105, OPM will use the provisions of this subpart to process all requests for records.

§ 294.102 General definitions.

All of the terms defined in the Freedom of Information Act, and the definitions included in the "Uniform Freedom of Information Act Fee Schedule and Guidelines" issued by the Office of Management and Budget apply, regardless of whether they are defined in this subpart.

"Direct costs" means the expenditures that an agency actually incurs in searching for, duplicating, and reviewing documents to respond to an FOIA request. Overhead expenses (such as the cost of space, and heating or lighting the facility in which the records are stored), are not included in direct costs.

"Disclose or disclosure" means making records available, on request, for examination and copying, or furnishing a copy of records.

"Duplication" means the process of making a copy of a document necessary to respond to an FOIA request. Among the forms that such copies can take are, paper, microform, audiovisual materials, or machine readable documentation (e.g., magnetic tape or disk).

"Records," "information,"

"document," and "material" have the same meaning as the term "agency records" in section 552 of title 5, United States Code.

"Review" means the process of initially examining documents located in

response to a request to determine whether any portion of any document located may be withheld. It also includes processing documents for disclosure; e.g., doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal and policy issues regarding the application of exemptions.

"Search" means the time spent looking for material that is responsive to a request, including page-by-page, or line-by-line identification of material within documents. The definition assumes that searches will be carried out in the most efficient and least expensive manner so as to minimize the cost for both the agency and the requester.

§ 294.103 Definitions of categories and assignment of requests and requesters to categories.

OPM will apply the definitions and procedures contained in this section to assign requesters to categories. The four categories established by 5 U.S.C. 552(a) are requests for commercial use, requests for non-commercial use made by educational or non-commercial scientific institutions, requests for non-commercial use made by representatives of the news media, and all others.

(a) *Request for commercial use.* A "commercial use request" is from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person or institution on whose behalf the request is made. In determining whether a request properly belongs in this category, OPM will look first to the intended use of the documents being requested.

(b) *Request for non-commercial use made by an educational or non-commercial scientific institution.* OPM will include requesters in one of the two categories described in paragraphs (b) (1) and (2) of this section when the request is being made as authorized by, and under the auspices of, a qualifying institution; and the records are sought, not for a commercial use, but in furtherance of scholarly or scientific research.

(1) "Educational institution" refers to any public or private, preschool, elementary, or secondary school, institution of undergraduate or graduate higher education, or institution of professional or vocational education, which operates a program or programs of scholarly or scientific research.

(2) A "non-commercial scientific institution" refers to an institution that is not operated on a "commercial" basis as that term is referenced in paragraph

(a) of this section, and which is operated solely to conduct scientific or scholarly research, the results of which are not intended to promote any particular product or industry.

(c) *Request from a representative of the news media.* "Representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish, broadcast, or otherwise disseminate news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals who make their products available for purchase or subscription by the general public. Free-lance journalists may be regarded as representatives of the news media if they demonstrate a solid basis for expecting publication, or some other form of dissemination, through a particular organization even though they are not actually employed by it. OPM will assign news media officials to this category only when a request is not for commercial use. If a person meets the other qualifications for inclusion, OPM will not apply the term "commercial use" to his or her request for records in support of a news dissemination function.

(d) *Requests from others.* The category "all others," consists of any requesters not covered by paragraph (a), (b), or (c) of this section. However, as provided by § 294.105, OPM will use its Privacy Act regulations, rather than this subpart, when individuals ask for records about themselves that may be filed in OPM systems of records.

§ 294.104 Clarifying a requester's category.

(a) *Seeking clarification of a requester's category.* OPM may seek additional clarification before assigning a person to a specific category if—

(1) There is reasonable cause to doubt the requester's intended use of records; or

(2) The intended use is not clear from the request itself; or

(3) There is any other reasonable doubt qualifications that may affect the fees applicable or the services rendered under § 294.109 of this part.

(b) *Prompt notification to requester.* When OPM seeks clarification as provided by paragraph (a) of this section, it will provide prompt notification either by telephone or in writing of the information or materials needed.

(c) *Effect of seeking clarification on time limits for responding.* When applying the time limits in section 552 of title 5, United States Code, OPM will not officially consider any request for records as being received until the official who is assigned responsibility for making a decision on releasing the records has—

(1) Received any additional clarification sought under paragraphs (a) and (b) of this section; and

(2) Determined that the clarifying information is sufficient to correctly place the requester in one of the categories prescribed in this section.

§ 294.105 Access to the requester's own records.

When the subject of a record, or a duly authorized representative of the subject, requests his or her own records from a Privacy Act system of records, as defined by 5 U.S.C. 552a(a)(5), and the record is maintained so that it is retrieved by the subject's name or other personal identifier, OPM will process the request under the Privacy Act procedures in Part 297 of this chapter.

§ 294.106 Index of information.

(a) (1) OPM publishes OPM Document No. 1, "Index to Information" annually and issues supplements during the year when there is a sufficient volume of new or revised material. This index contains material published and offered for sale or available for public inspection and copying. Unless the material is published and offered for sale, OPM generally makes available for public inspection and copying:

(i) Final opinions made by OPM in the adjudication of cases, which are relied on and cited by the OPM as precedent;

(ii) OPM policy statements and interpretations adopted by OPM but not published in the *Federal Register*; and

(iii) OPM administrative staff manuals and instructions that affect a member of the public.

(2) OPM may not make available material (or portions of material) where release would constitute a clearly unwarranted invasion of personal privacy; or where the material is exempt from disclosure under the provisions of 5 U.S.C. 552(b); or where release is not in accordance with OPM regulations, administrative staff manuals or instructions, referenced in Subpart D of 5 CFR Part 294.

(b) A copy of this index is available at no cost from the Internal Distribution Subunit, Office of Personnel Management, Room B443, 1900 E Street NW., Washington, DC 20415.

(c) OPM indexes material for the convenience of the public. Indexing does not constitute a determination that all of the material listed is within the category that is required to be indexed by 5 U.S.C. 552(a)(2). Most of OPM's publications may be found in OPM's Library in Room 5H27 at the address listed in paragraph (b) of this section.

(d) As provided by 5 U.S.C. 552(a)(2), OPM has determined that it is unnecessary and impractical to publish the "Index to Information" more frequently than annually because of the small number of revisions that occur.

§ 294.107 Places to obtain records.

(a) Address requests for OPM records to the officials listed in paragraph (b), (c), or (d) of this section.

(b) The following is a list of key Washington, DC officials of OPM and their principal areas of responsibility. Address requests for records to the appropriate official using the address below and the official's title.

Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Send to—	For subject-matter about—
Associate Director for Administration.	Administrative services; information management; financial management; personnel.
Associate Director for Retirement and Insurance.	Retirement; life and health insurance.
Associate Director for Personnel Systems and Oversight.	Personnel management in agencies; pay; position classification; wage grade jobs; performance management; employee and labor relations.
● Assistant Director for Workforce Information.	Government-wide personnel statistics; official personnel and employee medical folders.
Associate Director for Investigations.	Background investigations and related records on individuals.
Associate Director for Career Entry and Employee Development.	Nationwide examining and testing for employment; promotions; administrative law judges; affirmative employment programs for minorities, women, veterans, for minorities, women, veterans, and the handicapped; training.
Director, Washington Area Service Center.	Examining, testing, and training operations in Washington, DC.
Director, Office of Government Ethics.	Ethics and conflict of interest.
Director, Office of Executive Personnel.	Senior Executive Service.

(c) Direct requests for records on subjects not specifically referred to in this section or in the *Index*, to Plans and Policies Division, Office of Personnel Management, Room 6410, 1900 E Street NW., Washington, DC 20415.

(d) The following is a list of OPM regional offices. Address requests for regional records to the Regional Director, Office of Personnel Management in the appropriate region:

- Atlanta Region—Richard B. Russell Federal Building, Suite 904, 75 Spring Street, SW., Atlanta, GA 30303-3019
- Chicago Region—John C. Kluczynski Federal Building, 30th Floor, 230 South Dearborn Street, Chicago, IL 60604
- Dallas Region—1100 Commerce Street, Dallas, TX 75242
- Philadelphia Region—William J. Green, Jr., Federal Building, 600 Arch Street, Philadelphia, PA 19106-1596
- San Francisco Region—211 Main Street, 7th Floor, San Francisco, CA 94105

(e) *When an organization does not have records in its custody.* When an OPM organization receives a Freedom of Information Act request for OPM records that it does not have in its possession, it will normally either—

(1) Retrieve the records from the organization that has possession of them; or

(2) Promptly forward the request to the appropriate organization. If a person has asked to be kept apprised of anything that will delay the official receipt of a request, OPM will provide notice of this forwarding action. Otherwise, OPM may, at its option, provide such notice.

(f) *Applying the time limits.* When applying the time limits in section 552 of title 5, United States Code, OPM will not officially consider any request to be received until it arrives in the OPM organization that has responsibility for the records sought.

(g) *Records from other Government agencies.* When a person seeks records that originated in another Government agency, OPM may refer the request to the other agency for response. Ordinarily, OPM will provide notice of this type of referral.

(h) *Creating records.* If a person seeks information from OPM in a format that does not currently exist, OPM will not ordinarily compile the information for the purpose of creating a record to respond to the request. OPM will advise the individual that it does not have records in the format sought. If other existing records would reasonably respond to the request or portions of it, OPM may provide these. If fees as provided in § 294.109 of this part apply to any alternative records, OPM will advise the requester before providing the records.

§ 294.108 Procedures for obtaining records.

(a) *Mailing or delivering a request.* Any person may ask for records under

section 552 of title 5, United States Code, by directing a letter to one of the organizations listed in § 294.107 of this part, or by delivering a request in person at the addresses listed in that section during business hours on a regular business day.

(b) *Proper marking.* Each request for records should have a clear and prominent notation on the first page, such as "Freedom of Information Act Request." In addition, if sent by mail or otherwise submitted in an envelope or other cover, mark the outside clearly and prominently with "FOIA Request" or "Freedom of Information Act Request."

(c) *Contents of request letter.* A request must describe the records sought in sufficient detail to enable OPM personnel to locate the records with a reasonable amount of effort.

(1) OPM will regard a request for a specific category of records as fulfilling the requirements of this paragraph, if it enables responsive records to be identified by a technique or process that is not unreasonably burdensome or disruptive to OPM operations.

(2) Whenever possible, a request should include specific information about each record sought, such as the date, number, title or name, author, recipient, and subject matter of the record.

(3) If an OPM organization determines that a request does not reasonably describe the records sought, it will either provide notice of any additional information needed or otherwise state why the request is insufficient. OPM will also offer the record seeker an opportunity to confer, with the objective of reformulating the request so that it meets the requirements of this section.

(d) *Medical records.* OPM or another Government agency may disclose the medical records of an applicant, employee, or annuitant to the subject of the record, or to a representative designated in writing. However, medical records may contain information about an individual's mental or physical condition that a prudent physician would hesitate to give to the individual. Under such circumstances, OPM may disclose the records, including the exact nature and probable outcome of the condition, only to licensed physician designated in writing for that purpose by the individual or his or her designated representative.

(e) *Publications.* If the subject matter of a request includes material published and offered for sale (e.g., by the Superintendent of Documents, Government Printing Office), OPM will

explain where a person may review and/or purchase the publications.

(f) *Responses within 10 working days.* Except in unusual circumstances (as defined in 5 U.S.C. 552(a)(6)(B)), OPM will determine whether to disclose or deny records within 10-working days after receipt of the request (excluding weekends and holidays) and will provide notice immediately of its determination and the fees required, if any, as prescribed by § 294.109 of this part.

§ 294.109 Fees.

(a) *Applicability of fees.* OPM entities will furnish, without charge, reasonable quantities of material that they have available for free distribution to the public. Subject to payment of fees as specified in this section, OPM may furnish other material. These fees are intended to recoup the full allowable direct costs of providing services.

(b) *Payment of fees.* Individuals may pay fees by check or money order, payable to the Office of Personnel Management.

(1) OPM will not assess fees for individual requests if the total charge would be less than \$25, except as provided in paragraph (b)(5) of this section.

(2) If a request may reasonably result in a fee assessment of more than \$25, OPM will not release records unless the requester agrees to pay the anticipated charges.

(3) If the request does not include an acceptable agreement to pay fees and does not otherwise convey a willingness to pay fees, OPM will promptly provide notification of the estimated fees. This notice will offer an opportunity to confer with OPM staff to reformulate the request to meet the requester's needs at a lower cost. Upon agreement to pay the required fees, OPM will further process the request.

(4) As described in § 294.107 of this part, OPM ordinarily responds to Freedom of Information Act requests in a decentralized manner. Because of this, OPM may at times refer a single request to two or more OPM entities to make separate direct responses. In such cases, each responding entity may assess fees as provided by this section, but only for direct costs associated with any response the component has prepared.

(5) OPM may aggregate requests and charge fees accordingly, when there is a reasonable belief that a requester, or a group of requesters acting in concert, is attempting to break a request down into a series of requests to evade the assessment of fees.

(i) If multiple requests of this type occur within a 30-day period, OPM may

provide notice that it is aggregating the requests and that it will apply the fee provisions of this section, including any required agreement to pay fees and any advice payment.

(ii) Before aggregating requests of this type made over a period longer than 30 days, OPM will assure that it has a solid basis on which to conclude that the requesters are acting in concert and are acting specifically to avoid payment of fees.

(iii) OPM will not aggregate multiple requests on unrelated subjects from one person.

(6) If fees for document search are authorized as provided in paragraph (f) of this section, OPM may assess charges for an employee's (or employees') time spent searching for documents and other direct costs of a search, even if a search fails to locate records or if records located are determined to exempt from disclosure.

(7) Services requested and performed but not required under the Freedom of Information Act, such as formal certification of records as true copies, will be subject to charges under the Federal User Charge Statute (31 U.S.C. 483a) or other applicable statutes.

(c) *Payment of fees in advance.* If OPM estimates or determines that fees are likely to exceed \$250, OPM may require the payment of applicable fees in advance.

(1) If an OPM official, who is authorized to make a decision on a particular request, determines that the requester has a history of prompt payment of FOIA fees, OPM will provide notice of the likely cost and obtain satisfactory assurances of full payment.

(2) When a person, or an organization that a person represents, has previously failed to pay any fee charged in a timely manner, OPM will require full payment of all fees in advance. In this section, an untimely payment is considered to be a payment that is not made within 30 days of the billing date.

(3) If a person, or an organization that a person represents, has not paid fees previously assessed, OPM will not begin to process any new request for records, until that individual has paid the full amount owed plus any applicable interest, and made a full advance payment for the new request.

(4) If a request, which requires the advance payment of fees under the criteria specified in this section, is not accompanied by the required payment, OPM will promptly notify the requester that he or she must pay the required fee within 30 days and that OPM will not further process the request until it receives payment.

(5) OPM may begin assessing interest charges on an unpaid bill starting on the 31st day following the date on which the bill was sent. Interest will be at the rate prescribed in 31 U.S.C. 3717 and will accrue from the date of the billing.

(6) To encourage the repayment of debts incurred under this subpart, OPM may use the procedures authorized by Pub. L. 97-365, the Debt Collection Act of 1982. This may include disclosure to consumer reporting agencies and the use of collection agencies.

(d) *Waiver of fees.* OPM will furnish documents under this subpart without any charge, or at a reduced charge, if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government, and it is not primarily in the commercial interest of the requester.

(1) In determining whether disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government, OPM shall consider the following factors:

(i) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the Government";

(ii) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of Government operations or activities;

(iii) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding"; and

(iv) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of Government operations or activities.

(2) In determining whether disclosure of the information is not primarily in the commercial interest of the requester, OPM will consider the following factors:

(i) *The existence and magnitude of a commercial interest.* Whether the requester has a commercial interest that would be furthered by the requested disclosure; and if so

(ii) *The primary interest in disclosure.* Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

(3) An OPM official may deny a waiver of fees or a request for a reduced

fee without further consideration if the request does not include the following information:

(i) A clear statement of the requester's interest in the document(s);

(ii) The use proposed for the documents and whether the requester will derive income or other benefit from such use;

(iii) A statement of how the public will benefit from OPM's release of the requested documents; and

(iv) If specialized use of the documents is contemplated, a statement of the requester's qualifications that are relevant to the specialized use.

(4) In all cases the burden of proof shall be on the requester to present evidence or information in support of a request for a waiver or reduction of fees.

(5) A requester may appeal the denial of a waiver request as provided by § 294.110 of this part.

(e) *Rates used to compute fees.* The following rates form the basis for assessing reasonable, standard charges for document search, duplication, and review as required by 5 U.S.C. 552(a)(4). The listing of rates below should be used in conjunction with the fee components listed in paragraph (f) of this section, the first-100-pages of paper copies exception in paragraph (g) of this section, and the first-2-hours manual records search exception in paragraph (h) of this section.

Employee time	Salary rate plus 16 percent to cover benefits.
Photocopies (up to 8½" x 14")	\$0.13 a page.
Printed materials, per 25 pages or fraction thereof	\$0.25.
Computer time	Actual direct cost.
Supplies and other material	Actual direct cost.
Other costs not identified above	Actual direct cost.

(f) *Fee components by category of user.* For the purpose of assessing fees under this section, requests may have three cost components. These are the cost of document search, the cost of duplication, and the cost of review. When computing the fee applicable to a request, OPM will apply the rates in paragraph (e) of this section to the cost components that apply to the requester's category. Cost components apply to categories of requesters as follows.

(1) A commercial use requester—Pays actual direct costs for document search, duplication, and review.

(2) A requester from an educational and non-commercial scientific institution and a representative of the news

media—Pays actual direct costs for document duplication when records are not sought for commercial use. (Requesters in this category do not pay for search and review.)

(3) All other requesters—Pay actual direct costs for document search and duplication. (Requesters in this category do not pay for review.)

(g) *First 100 pages of paper copies.* There will be no change to categories of requesters included in paragraphs (f) (2) and (3) of this section for the first 100 pages of paper copies, size 8½" by 11" or 11" by 14" or for a reasonable substitute for this number of copies. An example of a reasonable substitute is a microfiche containing the equivalent of 100 pages.

(h) *First 2 hours of manual records search.* OPM will not charge requesters in the "all other" category for the first 2 hours of manual records search. If a person asks for records from a computerized data base, OPM will use the following formula, promulgated by the Office of Management and Budget, to provide the equivalent, in computer records search time, of 2 hours of manual records search.

(1) OPM will add the hourly cost of operating the central processing unit that contains the record information to the operator's hourly salary plus 16 percent.

(2) When the cost of a search (including the operator's time and the cost of operating the computer to process a request) equals the equivalent dollar amount of 2 hours of the salary of the person performing the search (i.e., the operator), OPM will begin assessing charges for computer search.

§ 294.110 Appeals.

(a) When an OPM official denies records or a waiver of fees under the Freedom of Information Act, the requester may appeal to the Office of the General Counsel, Office of Personnel Management, Washington, DC 20415.

(b) A person may appeal denial of a Freedom of Information Act request for information maintained by OPM's Office of the General Counsel to the Deputy Director, Office of Personnel Management, Washington, DC 20415.

(c) If an official of another agency denies a Freedom of Information Act request for records in one of OPM's Government-wide systems of records, the requester should consult that agency's regulations for any appeal rights that may apply. An agency may, at its discretion, direct these appeals to OPM's Office of the General Counsel.

(d) An appeal should include a copy of the initial request, a copy of the letter denying the request, and a statement

explaining why the appellant believes the denying official erred.

(e) The appeals provided for in this section constitute the final levels of administrative review that are available. If a denial of information or a denial of a fee waiver is affirmed, the requester may seek judicial review in the district court of the United States in the district in which he or she resides, or has his or her principal place of business, or in which the agency records are situated, or in the District of Columbia.

§ 294.111 Custody of records; subpoenas.

(a) The Chief, Plans and Policies Division, Administration Group, OPM, has official custody of OPM records. A subpoena or other judicial order for an official record from OPM should be served on the Chief, Plans and Policies Division, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

(b) See § 297.505 of this part for the steps other officials should take on receipt of a subpoena or other judicial order for an official personnel record.

§ 294.112 Confidential commercial information.

(a) In general, OPM will not disclose confidential commercial information in response to a Freedom of Information Act request except in accordance with this section.

(b) The following definitions from Executive Order No. 12600, apply to this section:

(1) "Confidential commercial information" means records provided to the Government by a submitter that arguably contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(2) "Submitter" means any person or entity who provides confidential commercial information, directly or indirectly, to OPM. The term includes, but is not limited to, corporations, state governments and foreign governments.

(c) Submitters of information shall designate by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of their submissions which they consider to be confidential commercial information. Such designations shall expire 10 years after the date of submission unless the submitter requests, and provides reasonable justification for, a designation period of greater duration.

(d) OPM shall, to the extent permitted by law, provide prompt written notice to

an information submitter of Freedom of Information requests or administrative appeals if:

(1) The submitter has made a good faith designation that the requested material is confidential commercial information, or

(2) OPM has reason to believe that the requested material may be confidential commercial information.

(e) The written notice required in paragraph (d) of this section shall either describe the confidential commercial material requested or include as an attachment, copies or pertinent portions of the records.

(f) Whenever OPM provides the notification and opportunity to object required by paragraphs (d) and (h) of this section, it will advise the requester that notice and an opportunity to object are being provided to the submitter.

(g) The notice requirements of paragraph (d) of this section shall not apply if:

(1) OPM determines that the information should not be disclosed;

(2) The information has been lawfully published or officially made available to the public;

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552);

(4) The information was submitted on or after July 13, 1989, and has not been designated by the submitter as exempt from disclosure in accordance with paragraph (c) of this section, unless OPM has substantial reason to believe that disclosure of the information would result in competitive harm; or

(5) The designation made by the submitter in accordance with paragraph (c) of this section appears obviously frivolous; except that, in such a case, OPM shall, within a reasonable number of days prior to a specified disclosure date, notify the submitter in writing of any final administrative decision to disclose the information.

(h) The notice described in paragraph (d) of this section shall give a submitter 10 working days (excluding weekends and holidays) from the date of the notice to provide OPM with a detailed written statement of any objection to disclosure. The statement shall specify all grounds for withholding any of the material under any exemption of the Freedom of Information Act. When Exemption 4 of the FOIA is cited as the grounds for withholding, the specification shall demonstrate the basis for any contention that the material is a trade secret or commercial or financial information that is privileged or confidential. It must also include a specification of any claim of competitive harm, including the degree of such harm,

that would result from disclosure.

Information provided in response to this paragraph may itself be subject to disclosure under the FOIA. Information provided in response to this paragraph shall also be subject to the designation requirements of paragraph (c) of this section. Failure to object in a timely manner shall be considered a statement of no objection by OPM, unless OPM extends the time for objection upon timely request from the submitter and for good cause shown. The provisions of this paragraph concerning opportunity to object shall not apply to notices of administrative appeals, when the submitter has been previously provided an opportunity to object at the time the request was initially considered.

(i) OPM shall consider carefully a submitter's objections and specific grounds for nondisclosure, when received within the period of time described in paragraph (h) of this section, prior to determining whether to disclose the information. Whenever OPM decides to disclose the information over the objection of a submitter, OPM shall forward to the submitter a written notice which shall include:

(1) A statement of the reasons why the submitter's disclosure objections were not sustained;

(2) A description of the information to be disclosed; and

(3) A specified disclosure date.

(j) OPM will notify both the submitter and the requester of its intent to disclose material a reasonable number of days prior to the specified disclosure date.

(k) When applying the time limits in section 552 of title 5, United States Code, to items being processed under the provisions of this section, OPM will not officially receive a request or appeal, until expiration of the time provided in paragraph (h) of this section for any objection to disclosure.

(l) Whenever a requester brings suit seeking to compel disclosure of confidential commercial information, OPM shall promptly notify the submitter.

Subpart D—Cross References

§ 294.401 References.

The table below provides assistance in locating other OPM regulations in Title 5 of the Code of Federal Regulations that have provisions on the disclosure of records:

Type of information	Location
Classification appeal records.....	511.616
Classified information.....	175.101

Type of information	Location
Employee performance folders.....	293.311
Examination and related subjects records.....	300.201
Grade and pay retention records.....	536.307
Investigative records.....	736.105
Job grading reviews and appeals records.....	532.707
Leave records.....	297 Subpart E
Medical information.....	297.204 & 297 Subpart E
Official personnel folders.....	293.311
Privacy and personnel records.....	297
Retirement.....	831.106

[FR Doc. 89-13953 Filed 6-12-89; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103 and 245

[Atty. Gen. Order No. 1350-89]

Immigration and Naturalization Service and the Executive Office of Immigration Review; Fee Review

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the fee schedule of the Immigration and Naturalization Service and the Executive Office for Immigration Review by charging a fee for certain special services and benefits which are currently adjudicated free of charge. These changes are necessary to place the financial burden of providing these special services and benefits which do not accrue to the general public at large on the recipients of these special services and benefits. Charges have been proposed to reflect the current recovery cost of providing these special services and benefits, taking into account public policy and other pertinent facts.

DATES: Comments must be received on or before July 13, 1989.

ADDRESS: Please submit written comments, in triplicate, to Director, Policy Directives and Instructions, Immigration and Naturalization Service, Room 2011, 425 I Street, NW., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: Charles S. Thomason, Systems Accountant, Finance Branch, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-4705.

Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, 5203 Leesburg Pike, Falls Church, VA. 22041, Telephone: (703) 756-6470.

SUPPLEMENTARY INFORMATION: The INS and EOIR undertook a study of their fee schedule as required under 31 U.S.C. 9701 and OMB Circular A-25. Under that law and the OMB Circular, it is required that a special service or benefit provided to or for any person by a Federal agency be self-sustaining to the fullest extent possible. Charges are to be fair and equitable, taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts. All services and benefits provided to the public by the INS and EOIR were reviewed for applicability of user charges. Costs which should be recovered from recipients of special services and benefits provided were identified in order to be fair and equitable to the taxpayers and the recipients of these special services and benefits.

Fee changes to the existing INS/EOIR fee schedule based upon the aforementioned study are the subject of a separate rulemaking proceeding. The following newly proposed fees are also a direct result of the aforementioned study.

1. Establish a fee for filing form I-485A, Application by Cuban Refugee for Permanent Residence, in the amount of \$60.
2. Establish a fee for filing form N-400, Application to File Petition for Naturalization, in the amount of \$60.
3. Establish a fee for filing form N-402, Application to File Naturalization Petition on Behalf of Child, in the amount of \$50.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule would not be a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

This rule contains information collection requirements which have been submitted and/or approved by the Office of Management and Budget, under the provisions of the Paperwork Reduction Act. OMB control numbers are listed in 8 CFR 299.5.

List of Subjects in 8 CFR Part 103

Administrative practice and procedures, Archives and records, Authority delegation, Fees, Forms.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulation is revised to read as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

1. The authority citation for Part 103 of Title 8 continues to read as follows:

Authority: 5 U.S.C. 522(a); 8 U.S.C. 1101, 1103, 1201, 1301-1305, 1351, 1443, 1454, 1455; 28 U.S.C. 1746; 7 U.S.C. 2243; 31 U.S.C. 9701; E.O. 12356, 3 CFR, 1982 Comp., p. 166.

2. In § 103.7, paragraph (b)(1) is revised by adding in numerical order:

§ 103.7 [Amended]

* * * * *

Form I-485A. For filing application by Cuban refugee for permanent residence—\$60.00.

* * * * *

Form N-400. For filing application to file petition for naturalization—\$60.00.

Form N-402. For filing application to file naturalization petition on behalf of child—\$50.00.

* * * * *

PART 245—[AMENDED]

3. The authority citation for Part 245 of Title 8 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255 and 1257.

§ 245.2 [Amended]

4. In § 245.2, paragraph (a)(3)(iv) is amended by removing the second sentence that reads "There is no fee required in the application for the benefits of this Act."

Dated: June 5, 1989.

Dick Thornburgh,

Attorney General.

[FR Doc. 89-13942 Filed 6-12-89; 8:45 am]

BILLING CODE 4410-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 310

RIN 3064-AA91

Privacy Act Regulations

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Proposed rule.

SUMMARY: The FDIC is proposing to exempt from certain provisions of its regulations implementing the Privacy Act of 1974 its proposed new Investigative Files and Records system.

DATE: Comments must be submitted by August 14, 1989.

ADDRESS: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, FDIC, 550-17th Street, NW., Washington, DC 20429, or hand-delivered to Room 6099 of the same address between 9:00 a.m. and 5:00 p.m., Monday-Friday. Comments are available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Robert E. Feldman, Deputy Executive Secretary, FDIC, 550-17th Street, NW., Washington, DC 20429, telephone (202) 898-3811.

SUPPLEMENTARY INFORMATION:

Elsewhere in today's issue of the *Federal Register*, the FDIC is proposing a new system of records under the Privacy Act of 1974. The system, entitled Investigative Files and Records system, will contain files on employees of the FDIC or other persons involved in the FDIC's programs or operations who are or have been under investigation by the FDIC's Office of Inspector General where fraud or abuse has been suspected.

Pursuant to subsections (k)(2) and (k)(5), respectively, of the Privacy Act (5 U.S.C. 552a (k)(2), (k)(5)), the FDIC proposes to exempt from the provisions of §§ 310.3 through 310.9 and § 310.10(d)(2) of its regulations (12 CFR 310.3-310.9 and 310.10(d)(2)) the following: (1) Investigatory material compiled for law enforcement purposes; provided, however, that if any individual is denied any right, privilege or benefit to which he/she would otherwise be entitled under Federal law, or for which he/she would otherwise be eligible, as a result of the maintenance of such material, such material shall be disclosed to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence; and (2) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Corporation employment to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Corporation under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. As a result, an individual who is the subject of a record contained in the system will

generally not have access to the type of material described above or be able to request an amendment to any such record.

As the amendments neither alter any existing nor create any new record keeping or reporting requirements, the Paperwork Reduction Act is inapplicable. The Board of Directors of the FDIC hereby certifies that the rule will not, if promulgated, have a significant impact on a substantial number of small entities, as it simply implements an exemptive provision of the Privacy Act, which applies to records about individuals. Therefore, the provisions of the Regulatory Flexibility Act are inapplicable.

List of Subjects in 12 CFR Part 310

Privacy.

For the foregoing reasons, it is proposed that 12 CFR Part 310 be amended to read as follows:

PART 310—[AMENDED]

1. The authority citation for Part 310 continues to read as follows:

Authority: 5 U.S.C. 552a.

2. Section 310.13 is amended by revising paragraphs (a) and (b) thereof to read as follows:

§ 310.13 Exemptions.

(a) Investigatory material compiled for law enforcement purposes in the following systems of records is exempt from §§ 310.3 through 310.9 and § 310.10(d)(2) of these rules; *Provided, however*, That if any individual is denied any right, privilege, or benefit to which he/she would otherwise be entitled under Federal law, or for which he/she would otherwise be eligible, as a result of the maintenance of such material, such material shall be disclosed to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence:

30-64-0002—Financial institutions investigative and enforcement records system.

30-64-0010—Investigative files and records.

(b) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Corporation employment to the extent that disclosure of such material

would reveal the identity of a source who furnished information to the Corporation under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, in the following systems of records, is exempt from §§ 310.3 through 310.9 and § 310.10(d)(2) of these rules:

30-64-0001—Attorney-legal intern applicant system.

30-64-0010—Investigative files and records.

* * * * *

By direction of the Board of Directors.
Dated at Washington, DC, this 8th day of June, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 89-13949 Filed 6-12-89; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 89-1523]

Bonds for Directors, Officers, Employees, and Agents; Form of and Amount of Bonds

Date: May 25, 1989.

AGENCY: Federal Home Loan Bank Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), has amended its regulations pertaining to the permissible deductible amount for bonds for directors, officers, employees, and agents of institutions the accounts of which are insured by the FSLIC ("FSLIC-insured institutions"). Such final rule is published elsewhere in today's issue of the *Federal Register*. The Board has determined that it is appropriate, in conjunction with the final rule, to raise the related issues of minimum bond coverage requirements and required bond coverage of Form No. 22 or its equivalent. The Board is seeking comment whether more substantive revisions to the fidelity bond regulations for all insured institutions are appropriate. The Board solicits any comments as to the advisability and scope of such rulemaking.

DATE: Comments must be received on or before July 13, 1989.

ADDRESS: Send comments to: Director, Information Services Division, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552. Comments will be available for public inspection at Information Services, Federal Home Loan Bank Board, 801 17th Street NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT:

Cindy L. Hausch, Financial Analyst, (202) 906-7488; Kathleen O'Dea Willard, Assistant Director, (202) 906-6789; Patrick G. Berbakos, Director, (202) 906-6720, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552; or Linda Matthias, Policy Analyst, (202) 331-4597; Edward J. Taubert, Deputy Director, Policy (202) 331-4588, Office of Regulatory Activities, 801 17th Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION: The Board has recently amended the permissible deductible amount for fidelity bonds for directors, officers, employees, and agents of insured institutions. (Board Res. No. 89-1526, June 1, 1989). The final rule modifies the current schedule for calculating the permissible deductible to provide for a minimum permissible deductible of \$50,000.

The Board is considering, and by this Advance Notice is soliciting public comment on, substantive revisions to its fidelity bond regulations. The Board specifically requests comments on revisions to the minimum bond coverage requirements, the required bond coverage of Form No. 22, and information from insured institutions on the amount of bond purchased and the premium paid for that coverage.

The Board is considering possible revisions to Form No. 22. The American Surety Association Form No. 22 Blanket Bond was approved by the Board in 1982. At the same time, the Board issued a regulation requiring all FSLIC-insured institutions to have bond coverage equivalent to Form No. 22. On October 7, 1988, the Office of General Counsel disseminated an opinion regarding fidelity bond coverage. The opinion stated that bonds deviating materially from Form No. 22 do not comply with 12 CFR 563.19 and do not satisfy the regulatory requirement. Through this Advance Notice, the Board requests comments on possible revisions to Form No. 22. Additionally, the Board is considering revisions to the amount of bond required. Current regulations provide for coverage of \$3,000,000. The Board is considering increasing the maximum required bond amount to

reflect the increased asset sizes of insured institutions. Furthermore, the Board is requesting information from insured institutions on their bond coverage, specifically the amount of bond purchased and the premium paid for that coverage.

The Board invites comment on all aspects of this Notice and of § 563.19. After reviewing the comments received, the Board anticipates promulgating a notice of proposed rulemaking.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-13916 Filed 6-12-89; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 122

Business Loans for 8(a) Program Participants

AGENCY: Small Business Administration.
ACTION: Proposed rule.

SUMMARY: The Small Business Administration is hereby proposing rules to implement section 302 of Pub. L. 100-656. This legislation provides a statutory basis for a program of direct, guaranteed and immediate participation financial assistance for small businesses which are participants in SBA's section 8(a) program, and are presently eligible to receive contracts under that program. These regulations, if promulgated in final form, would implement that legislation.

DATES: The public is afforded 60 days from the date of publication (on or before August 14, 1989) to comment on these proposed regulations.

ADDRESS: Written comments should be addressed to Allan S. Mandel, Assistant Deputy Associate Administrator for Financial Assistance, 1441 L Street NW., Room 804, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Allan S. Mandel, (202) 653-6696.

SUPPLEMENTARY INFORMATION: As indicated above, section 302 of Pub. L. 100-656 gave SBA authority to conduct a specialized financial assistance (loan) program directed toward active participants in SBA's section 8(a) program. Proposed § 122.59-1 sets forth the statutory policy behind this program. In this regard, it is to be available to participants in the program which are eligible to receive 8(a) contracts at the time the financial assistance is sought. The assistance is to be available on much the same terms as SBA's other financial assistance is made available to

small businesses. (§ 122.59-2.) However, it is acknowledged by SBA that to the extent possible, without compromising the integrity of the program, criteria applied to this special loan program will recognize the economically disadvantaged nature of the applicants.

With respect to guaranteed loans made under this program, SBA shall guaranty no less than 90 percent of the principal balance at the time the loan is made of loans of a principal amount of less than \$155,000 and no less than 85 percent of loans of a principal amount of \$155,000, or more. The rate of interest on such loans will be calculated in the same way that it is calculated for SBA guaranteed business loans for small businesses. (See § 122.59-3.)

A direct loan note generated under this program will be subordinated by SBA to all past borrowings of the borrower from banks and other financial institutions, but not individuals. SBA will consider subordination to future borrowings on a case-by-case basis using normal credit criteria. (§ 122.59-4(b)(1).) The interest rate on direct loans made under this authority will be 1 percent less than direct loans made in the regular business loan program. (§ 122.59-4(b)(2).) There will be an administrative ceiling of \$200,000 on direct loans which may be waived upon the recommendation of the Associate Administrator for Minority Small Business and Capital Ownership Development for good cause shown, on a case-by-case basis. (§ 122.59-4(b)(5).)

For purposes of the Regulatory Flexibility Act (5 U.S.C. 605(b)), SBA certifies that this proposed rule will not, if promulgated in final form, have a significant impact on a substantial number of small entities. SBA's best estimates indicate that approximately 20 to 40 loans per year will be made under this authority.

SBA certifies that this proposed rule does not constitute a major rule for the purposes of Executive Order 12291, since the change is not likely to result in an annual effect on the economy of \$100 million or more because it is anticipated that no more than \$10,000,000 will be appropriated for this program in a given fiscal year.

The proposed rule, if promulgated in final form, would not impose additional reporting or recordkeeping requirements which would be subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

This proposed rule would not have federalism implications warranting the preparation of a Federal Assessment in accordance with Executive Order 12612.

List of Subjects in 13 CFR Part 122

Business loans.

Pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)) and section 302 of Pub. L. 100-656, SBA proposes to amend Part 122, Chapter I, Title 13, Code of Federal Regulations, as follows:

PART 122—[AMENDED]

1. The authority citation for Part 122 would continue to read as follows:

Authority: 15 U.S.C. 634(b)(6) and 636(a).

2-3. Section 122.7-1 would be revised to read as follows:

§ 122.7-1 Direct loans.

The statutory limit for direct loans made under the authority of section 7(a)(1)-(19) of the Small Business Act is \$350,000. SBA has established an administrative limit of \$150,000. Regional Administrators may authorize, in writing, the acceptance of an application that exceeds the administrative but not the statutory limit. The statutory limit for direct loans made under the authority of section 7(a)(20) is \$750,000. SBA has established an administrative limit of \$200,000; however, the Associate Administrator for Minority Small Business and Capital Ownership Development may authorize in writing the acceptance of an application up to \$750,000 that exceeds the administrative but not the statutory limit.

4. New §§ 122.59, 122.59-1, 122.59-2, 122.59-3, and 122.59-4 would be added to subpart B to read as follows:

§ 122.59 Loans to participants in the 8(a) program.

§ 122.59-1 Policy.

The Act authorizes the Administration to make loans either directly or in cooperation with banks or other financial institutions through agreements to participate on an immediate or deferred (guaranteed) basis to small business concerns receiving assistance under subsection 7(j)(10) and section 8(a) of the Act; i.e., firms which are presently participating in the section 8(a) program and are eligible for contractual assistance under section 8(a) of the Act; and not firms which may be eligible to apply for the program.

§ 122.59-2 Conditions.

(a) Any assistance provided under this section may be provided only if the Administration determines that—

(1) The type and amount of such assistance requested by such concern is

not otherwise available on reasonable terms from other sources. Every applicant for a direct loan, immediate participation or guaranty loan must show that the loan is not available without SBA assistance. In addition, an applicant for a direct loan must show that neither an immediate participation nor a guaranty loan is available; an applicant for an immediate participation must show that a guaranty loan is not available;

(2) With such assistance such concern has a reasonable prospect for operating soundly and profitably within a reasonable period of time;

(3) The proceeds of such assistance will be used within a reasonable time for plant construction, conversion, or expansion, including the acquisition of equipment, facilities, machinery, supplies, or material; or to supply such concern with working capital to be used in the manufacture of articles, equipment, supplies, or material for defense or civilian production or as may be necessary to insure a well-balanced national economy; and

(4) Such assistance is of such sound value as reasonably to assure that the terms under which it is provided will not be breached by the small business concern. No financial assistance shall be extended under this section unless there is reasonable assurance that the loan can be paid from the earnings of the business.

(b) No loan shall be made under this authority if the total amount outstanding and committed (by participation or otherwise) to the borrower would exceed \$750,000.

§ 122.59-3 Conditions applicable to deferred participation assistance (guaranteed).

(a) Subject to the provisions of § 122.59-2(b), in agreements to participate in loans on a deferred (guaranteed) basis, participation by the Administration shall be no less than 90 per centum of the balance of the financing outstanding at the time of disbursement of loans of a principal amount of less than \$155,000 and no less than 85 per centum of loans of a principal amount of \$155,000 or more.

(b) The rate of interest on financings made on a deferred (guaranteed) basis shall be legal and reasonable, and shall be calculated in accord with §§ 122.8-3 and 122.8-4 of this part.

§ 122.59-4 Conditions applicable to immediate participation and direct assistance.

(a) All immediate participation and direct financings made pursuant to this section shall be subject to the applicable

provisions of this Title and the following limitations:

(1) No immediate participation may be purchased unless it is shown that a deferred participation is not available.

(2) No direct financing may be made unless it is shown that a participation is unavailable.

(b) A direct loan or the Administration's share of an immediate participation loan made pursuant to this section shall be accomplished by the issuance of a secured debt instrument—

(1) That is subordinated by its terms to all other borrowings of the issuer from banks or other financial institutions which are in existence at the time that the SBA assistance is made. SBA will consider subordination of assistance it makes available under this subsection to subsequent borrowings on a case-by-case basis based upon reasonable credit criteria;

(2) The rate of interest on which shall be the same as that calculated pursuant to § 122.8-1 of this part, less one per centum;

(3) The term of which is not more than twenty-five years;

(4) The principal on which is amortized at such rate as may be deemed appropriated by the Administration, and the interest on which is payable not less often than annually;

(5) The maximum principal amount of which may be no more than \$200,000; however, the Associate Administrator for Minority Small Business and Capital Ownership Development may authorize, in writing, the acceptance of an application that exceeds \$200,000 but does not exceed \$750,000.

Dated: March 29, 1989.

James Abdnor,
Administrator.

[FR Doc. 89-13931 Filed 6-12-89; 8:45 am].

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 89-ASO-20]

Proposed Establishment of Transition Area; Fayette, AL

AGENCY: Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish the Fayette, AL, Transition Area to provide additional controlled airspace for protection of Instrument

Flight Rule (IFR) operations at the Richard Arthur Field Airport. This action will lower the base of controlled airspace from 1,200' to 700' above the surface in the vicinity of the airport. A Nondirectional Radio Beacon (NDB) Standard Instrument Approach Procedure (SIAP) has been developed to serve Richard Arthur Field. Concurrent with publication of the SIAP, the operating status of the airport will change from Visual Flight Rule (VFR) to IFR.

DATES: Comments must be received on or before July 11, 1989.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, Airspace and Procedures Branch, Docket No. 89-ASO-20, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: James C. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89-ASO-20." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for

examination in the Office of the Assistant Chief Counsel for Southern Region, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Fayette, AL, Transition Area. This proposal will lower the base of controlled airspace from 1,200' to 700' in vicinity of Richard Arthur Field Airport. The additional controlled airspace is needed for protection of IFR aircraft executing a new SIAP to the airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6E dated January 3, 1989.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Fayette, AL [New]

That airspace extending upward from 700' above the surface within a 6.5-mile radius of Richard Arthur Field Airport (Lat. 33°43'00" N., Long. 87°48'30" W.); within 3.5 miles each side of the 343° bearing of the Fayette NDB (Lat. 33°43'05" N., Long. 87°48'40" W.), extending from the 6.5-mile radius area to 11.5 miles north of the NDB.

Issued in East Point, Georgia, on May 25, 1989.

William D. Wood,

*Acting Manager, Air Traffic Division,
Southern Region.*

[FR Doc. 89-13926 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-ASW-08]

Proposed Establishment of Control Zone; Norman, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a part-time control zone at Norman, OK. This proposed action is necessary because the University of Oklahoma (OU) Westheimer Airpark meets the criteria for the establishment of a control zone since there is a part-time, nonfederal airport traffic control tower (ATCT) at the OU Westheimer Airpark, and a new automated weather observation system (AWOS III) is scheduled for installation by June 30, 1989. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the standard instrument approach procedures (SIAP) now serving the OU Westheimer Airpark. The Thomas International Airport

(private) would be excluded from this proposed control zone.

DATES: Comments must be received on or before July 24, 1989.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 89-ASW-08, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT:

Bruce C. Beard, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530; telephone: (817) 624-5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89-ASW-08." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) by establishing a part-time control zone at Norman, OK. The fact that the OU Westheimer Airpark meets the criteria for the establishment of a control zone, since the airpark is served by a part-time nonfederal ATCT and an AWOS III, and is scheduled for implementation by June 30, 1989, has necessitated this action. Designation of a control zone would allow the OU Westheimer Airpark to be used as an alternate airport under instrument flight rules (IFR). The effective date of this proposed part-time control zone would depend entirely upon installation and certification of the AWOS III. The Thomas International Airport (private) will be excluded from this proposed part-time control zone. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing any of the SIAP's now serving the OU Westheimer Airpark. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

71.171 [Amended]

2. Section 71.171 is amended as follows:

Norman, OK [New]

Within a 5-mile radius of the University of Oklahoma Westheimer Airport (latitude 35°14'30" N., longitude 97°28'00" W.), excluding that airspace within a 1.5-mile radius of the Thomas International Airport (latitude 35°15'20" N., longitude 97°32'21" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Issued in Fort Worth, TX on May 31, 1989.

Francis J. Johns,

Acting Manager, Air Traffic Division,
Southwest Region.

[FR Doc. 89-13925 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard**33 CFR Part 100**

[CGD 05-89-46]

Special Local Regulations for Marine Events; Southern Legislative Conference Fireworks Display; Patapsco River, Fort McHenry, Baltimore, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing special regulations for the Southern Legislative Conference fireworks display to be held on the Patapsco River in the vicinity of Fort McHenry, Baltimore, Maryland. The regulations restrict general navigation in the regulated area, to provide for the safety of life and property on the navigable waters during the event.

DATE: Comments must be received on or before July 3, 1989.

ADDRESSES: Comments should be mailed or hand-carried to Commander (bb), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004. The comments will be available for inspection and copying at Room 209 of this address. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT:

Mr. Billy J. Stephenson, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 05-89-46) and the specific section of the proposal to which their comments apply. Reasons should be given for each comment. All comments received before the expiration of the comment period will be considered before final action is taken. The regulations may be changed because of comments received. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process. The receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

Drafting Information

The drafters of this notice are Mr. Billy J. Stephenson, project officer, Chief, Boating Affairs Branch, Fifth Coast Guard District, and Lieutenant Commander Robin K. Kutz, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Proposed Regulations

The Southern Legislative Conference fireworks display will be held only this year. The display will be launched from a barge anchored in the Patapsco River approximately 180 yards south of Fort McHenry Channel Range Front Light. A portion of the river will be closed to waterborne traffic during the display.

Economic Assessment and Certification

These proposed regulations are not considered major under Executive Order 12291 on Federal Regulation nor significant under Department of

Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). Because closure of the waterway is not anticipated for any extended period, commercial marine traffic will not be significantly inconvenienced. The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Impact

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and has been placed in the rulemaking docket.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35-0546 is added to read as follows:

§ 100.35-0546 **Patapsco River, Baltimore, Maryland.**

(a) *Definitions:* (1) *Regulated Area.* The waters of the Patapsco River bounded by the arc of a circle with a radius of 1,000 feet and with the center located at latitude 39°15'44.5" N., longitude 76°34'40.0" W.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Group Baltimore.

(b) *Special Local Regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a)(1) of these regulations but may not block a navigable channel.

(c) *Effective Date.* The regulations are effective from 8:00 p.m. to 10:00 p.m., July 17, 1989.

Dated: June 2, 1989.

A.D. Breed,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 89-13920 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-14-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM88-2]

Establishment of Special Rules of Practice and Procedure for Use in Consideration of Express Mail Market Response Filings; Amendment to Rules Applicable to Requests for Changes in Rates or Fees

Issued: June 7, 1989.

AGENCY: Postal Rate Commission.

ACTION: Notice of Proposed Rulemaking (Third Notice).

SUMMARY: In response to a petition filed by the Postal Service, the Postal Rate Commission initiated this rulemaking to consider whether to adopt special rules of practice and procedure for use in proceedings regarding Postal Service requests for changes in Express Mail rates prompted by developments in the market. Interested persons were invited to participate. 53 FR 16885-86 (May 12, 1988). After considering presentations of the participants, the Commission fashioned a set of procedural rules and published them for public comment. 54 FR 11394-413 (March 20, 1989). Having considered the thoughtful comments which present a wide diversity of views, the Commission has modified its set of proposed rules. The Commission is setting out the modified rules for public

comment. This set of rules compresses, to the extent consistent with due process, the time necessary for the procedural steps in an Express Mail Market Response case. The proposed rules also make provision for automatic intervention, and set out filing requirements. They are subject to a 5-year "Sunset" provision to provide a convenient time for assessing whether they have functioned as anticipated.

DATES: Comments on the proposed rules are due July 13, 1989.

ADDRESSES: Correspondence should be sent to Charles L. Clapp, Secretary of the Commission, 1333 H Street NW., Suite 300, Washington, DC 20268 (Telephone: 202/789-6840).

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 1333 H Street NW., Suite 300, Washington, DC 20268 (telephone: 202/789-6820).

SUPPLEMENTARY INFORMATION:

Introduction and Summary. The Postal Rate Commission proposes amending its rules of practice (39 CFR Part 3001) by providing for expedited proceedings on certain requests by the Postal Service for changes in rates for its Express Mail service. This rulemaking was initiated following a request by the Postal Service, which included a draft of suggested rules. The Commission established Docket No. RM88-2 and invited interested persons to participate. 53 FR 16885-86 (May 22, 1988). After considering testimony and other presentations by interested parties,¹ the Commission published a Second Notice of Proposed Rulemaking which invited comments on a proposed set of rules. 54 FR 11394-413 (March 20, 1989).

The Postal Service, the Commission's Office of the Consumer Advocate (OCA), Federal Express Corporation (Federal Express) and United Parcel Service (UPS) filed comments in response to the Second Notice. Having considered these comments, we have incorporated some of the suggestions into the set of proposed rules which we are offering for public comment before issuing a final rule. It is particularly appropriate to permit further public participation because the comments we have received show a wide diversity of views. We have incorporated in the set of rules we are publishing some changes

¹ The Postal Service presented direct and rebuttal testimony. A trial-type hearing was held on the rebuttal testimony. The Commission's Office of the Consumer Advocate and the staff of the Bureau of Economics of the Federal Trade Commission offered alternative suggestions. The American Newspaper Publishers Association suggested a modification. Other parties active in this phase of the rulemaking were Federal Express and United Parcel Service.

suggested by each of the commenters. We appreciate the efforts that the parties have made in responding to our Second Notice. We believe that their thoughtful suggestions have enabled us to fashion an improved set of rules for the treatment of this category of cases.

Background information. In the first phase of this rulemaking, the Postal Service presented considerable information on the need for an expedited method for changing Express Mail rates in response to changes in the expedited delivery market. The Commission decided that it was appropriate to proceed to fashion a set of rules that might answer the Postal Service's concerns while protecting the due process rights of interested parties. The Postal Service presented sufficient information to support the conclusion that a set of rules for expediting such proceedings might help the Commission in carrying out its statutory obligations. Because of the uncertainties involved, the Commission decided that the rules would be subject to a 5-year "Sunset" provision. They will expire at the end of 5 years after implementation if not re-enacted.

The rules which we presented in the Second Notice were designed to promote expedition in the type of cases the Postal Service had described. In our proposed rules, the two primary methods for shortening the proceedings are compressing procedural schedules as much as is consistent with due process and clearly setting out information requirements before the filing of the first case of this type. After considering the comments made to the Second Notice, we improved our set of rules by incorporating appropriate suggested changes.

General propositions made by commenters. Before discussing suggestions on the specifics of the proposed rules, we turn to some broad comments submitted in response to our notice. Federal Express says that it maintains its position that the Postal Service has not proved that a special set of procedural rules is necessary to expedite the cases anticipated by the Postal Service. Federal Express Comments at 1-2. Similarly, United Parcel Service states that the need for special rules has not been shown. UPS Comments at 1.

The Commission considered this argument previously in the rulemaking and decided that, although expedition in Express Mail Market Response cases would be possible without rule changes, the procedural rule modifications could prove useful. We noted that the set of special rules might reduce the time spent at the beginning of cases discussing

informational requirements and the best method of proceeding. The sunset provision retained in our rules will also require the Commission, and permit interested parties, to review the operation of the rules after the practical experience which will permit an assessment of whether they have achieved what was expected. See 54 FR 11398.

Although expressing some misgivings concerning specifics of the Commission's proposed rules, the Postal Service stated that, with some important changes, the approach found in the Second Notice is adequate. The Postal Service recommends the adoption of the Second Notice rules, after the modifications it lists in its comments. Postal Service Comments at 4. As all of the Postal Service's comments are referenced to specific rules, each will be included in the discussion of the individual rules.

Comments on specific rules. The comments come from competitors, the Postal Service, which requested the rule change to assist it in serving the expedited delivery market, and the OCA, whose function is to represent the public interest. With this diversity of viewpoints, we believe that the comments embrace an entire spectrum of interests regarding this issue. Therefore, we have been able to tailor the rules more closely to meet the legitimate concerns of all interested parties.

Another consequence of this diversity of views is that the commenters disagree on many particulars. However, each of the comments has been thoughtful and provided helpful insight. In many instances, the comments offered improvements which we have incorporated into the set of rules in this notice. We turn now to a discussion of the comments as they pertain to specific rules published in the Second Notice.

Rule 3001.57(a), purpose of rules. In its comments, the Postal Service suggested stating the intention of proposals filed under these rules as "minimizing the loss" of Express Mail's contribution to institutional costs rather than the original "preserving" that contribution. The language proposed by the Postal Service more clearly reflects its stated purpose for requesting the rule change and the anticipated intention when cases are filed under the new rules. We have, therefore, accepted this change.

The Postal Service also suggests adding a statement in this section that these rules recognize the need for expedited decisions in such cases. We are not including this statement. Our adoption of expedited rules of procedure, in response to the Postal

Service's request, is sufficient indication of our acceptance, at least for a trial period of 5 years, of the view that expedition in these situations is, as the Postal Service argued, important. The additional statement proposed by the Postal Service would not be a meaningful addition to the rules.

UPS suggests that the rules should contain the condition that they are to be used only when the Postal Service wishes to respond to price reductions in the market. UPS asserts that without that condition, the Postal Service could propose rate reductions in an expedited proceeding based merely on a decline in its service performance and volume. UPS Comments at 4.

We are not including the suggested limitation in our rules. The situation discussed by UPS is not covered in the Postal Service's explanation of why it wants these rules and when it would use them. We do not believe that the Postal Service would seek to propose rate reductions in an expedited case using such a justification.

It is not appropriate to include the suggested limitation in the rules during the trial period. The Postal Service has described a market in which firms compete on the basis of both price and service. It is possible that competitors could change their price/service mix in such a way that the Postal Service could reasonably seek to try to preserve Express Mail's contribution to institutional costs by changing rates. While we believe it would be more difficult to conduct an expedited proceeding given that rationale, we find it is not appropriate to take that option from the Postal Service at this time.

In this rule, we are also making a minor addition by specifying that the rules are to apply in filings in which the Postal Service has requested an expedited recommended decision.

Rule 3001.57(b), sunset provision. The Postal Service would make the first sentence of this section a separate paragraph. We have decided not to include this stylistic change. UPS states in its comments that the sunset provision found in this section is important, since it makes clear that the rules will be re-evaluated after the Commission has experience with how they operate in an actual case.

Rule 3001.57a (a), general information requirements. The Postal Service suggested two changes which we have incorporated. The Postal Service suggested that this section be moved to the beginning of rule 57a and that "with each request" be added to the end of the last sentence. UPS asked that the word "also" be added to emphasize that the

information to be provided under paragraphs (c) through (i) is to be in addition to the general requirements in this paragraph. We are making these changes.

UPS suggested that this section also specify that the Postal Service file information showing the proposed changes are in the public interest and in accordance with the policies and criteria in the Act. UPS argues that the inclusion of these requirements would eliminate any possibility of uncertainty that the Postal Service has the burden of proof in these cases. UPS Comments at 7.

The analyses requested require a summation and explanation of the evidence the Postal Service will present in support of its proposal. In cases to be considered under expedited procedures it is best to have such conclusions clearly delineated for ease of reference. Therefore, we are including these requirements, but putting them in paragraph (k) of this section, as they are more appropriate for inclusion in that rule requiring the more comprehensive analyses for these proposals.

Rule 3001.57a (b), incorporation of rule 3001.54. In the Commission's Second Notice, this rule stated that the Postal Service would be required to file, in Express Mail Market Response cases, the regular cost data described in rule 3001.54 (b) through (r) only for those subclasses and services for which it proposes a change.

In discussing this rule, the Postal Service opposed the incorporation of the regular rule 54 filing requirements. The Postal Service makes the argument that either the case will become bogged down in discovery, or a reviewing court might decide that due process has been denied by the foreclosure of issues. Postal Service Comments at 9-11. The Postal Service would solve this dilemma by having the Commission rely on decisions from the most recent rate case. *Id.* at 9. The Postal Service also opposes inclusion of the rule 54 data requirements on the grounds that they would undermine its efforts to compete with unregulated firms, and entail a significant amount of time and effort inappropriate in expedited proceedings. *Id.* at 10.

The Postal Service explains the difficulties involved in developing the demand analysis required in rule 54. The Postal Service points out that in any dynamic and recently initiated market, past purchasing decisions are not a reliable tool for predicting future sales. Postal Service Comments at 17-20. Additionally, much of data needed to develop a demand analysis for the market is held by competitors, who

cannot be expected to make it available to the Postal Service. *Id.* at 20-21.

The Postal Service also expresses particular concern about the requirement in rule 54 for a roll forward of attributable costs, pointing to the extensive work needed to develop and defend a complete roll forward of costs. Postal Service Comments at 12-15. The Postal Service also states that the test period used in rule 54—which anticipates a 10-month proceeding—is inappropriate for cases in which the new rates are expected to take effect in about 90 days. *Id.* at 14.

The Postal Service proposes that the rules call for an update of the roll forward model adopted by the Commission in the most recent rate case. Taking the base year Express Mail costs by segment and component, the Postal Service would bring them up to date, by adjusting for actual volumes and cost changes. As an alternative, the Postal Service suggests that the Commission rely on the Postal Service's regularly published Cost and Revenue Analysis. Postal Service Comments at 16-17.

To substitute for the revenue and volume information (including a demand analysis) required by rule 54 (j), the Postal Service proposes the filing of a description of the change in the market and the anticipated effect on Express Mail, together with an explanation of why the Postal Service believes its proposal is a reasonable response.

In its comments, Federal Express speaks with approval of the requirement that the Postal Service file all the information listed in rule 54. Federal Express Comments at 4.

UPS points out that changes in rates for one subclass can have a substantial impact on others, and recommends that the Postal Service be required to file information for all classes, subclasses and types of service which might be affected. At a minimum, information would have to be given concerning Priority Mail and each subclass of Express Mail.² UPS Comments at 5-6.

The Commission has decided to retain the rule 54 filing requirements for these cases, with the Commission's previously stated limitation that the Postal Service has to provide the information only for those subclasses and services for which it is requesting a change. We have also adopted some of the Postal Service's suggestions for alternative filing requirements that will produce relevant

and usable information through less exacting methods.

It is best to retain the usual filing requirements of rule 54, with some modifications that permit the omission of information not necessary for the consideration of these cases as well as allow the substitution of more easily obtainable information for the usual requirements. Although we acknowledge the Postal Service's concern about the cases getting bogged down in the discovery phase, we believe that the Postal Service can do much to hasten the process by providing well-documented evidence and responding promptly to interrogatories. The Commission is always available to respond to any legitimate claim that discovery is going outside the bounds of the case or that the time and effort to provide particular information outweighs the contribution it might make to the proceeding.

With the type of case that the Postal Service has outlined, it does not appear inevitable that an unmanageable amount of discovery would be filed concerning information responsive to rule 54. As the Postal Service has pointed out previously, we expect that Express Mail will be litigated extensively in each omnibus rate case. With that experience, the Postal Service should be able to anticipate to a large degree what questions might be asked. Indeed, the Postal Service might be able to provide, in its direct case, information that the participants could be expected to request through discovery, since the most recent rate case can furnish a guide to questions interested parties may want answered.

We do not accept the Postal Service's position concerning the appropriate method of protecting parties' due process rights. The Postal Service appears to be saying that those rights could be preserved better by requiring reliance on previous litigation than by the usual procedure of the Postal Service presenting its case and providing participants the opportunity to examine the evidence and challenge assertions. See Postal Service Comments at 9-10. We do not agree that excluding otherwise relevant issues from market response rate cases through these procedural rules would be providing more adequate due process to interested parties than allowing for such issues, albeit on an expedited schedule.

The Postal Service has reasonable concerns about the speed with which competitors can change their prices, compared to the process mandated by law for the Postal Service. It is in response to this stated concern that we

² UPS notes that if the Postal Service proposed a change for only one of subclasses of Express Mail, the rule in the Second Notice—if interpreted literally—would not require information on the other three subclasses of Express Mail.

have developed procedural rules, on a trial basis, to permit the Postal Service to change Express Mail rates with the expedition it seeks. We must, however, adhere to the statute which gives interested parties certain due process rights when the Postal Service wishes to change rates for its services.

With regard to the roll forward, we have modified our proposed rule to call for the information the Postal Service suggests in its Comments at 16.³ The test period will be four postal quarters beginning after its filing of a case. The projections are to be developed by updating the most recently approved cost model with regard to Express Mail. We believe that this level of data will be sufficient for the consideration of the narrow proposals that the Postal Service has told us it may want to bring.

With regard to a demand analysis, the Postal Service will be required to file projections giving its best estimates of volume and revenue if Express Mail rates are not adjusted to respond to the change in the market, as well as its estimates of volume and revenue if the proposed change is implemented. The Postal Service is to provide a complete description of how it arrived at its conclusion.

The Postal Service points out that its competitors are able to change their prices without an econometric estimate of the elasticity of their service offerings, and argues that the inability to develop such an estimate should not prevent it from responding to changes initiated by competitors. Postal Service Comments at 21-22. We recognize that the data to develop a complete demand analysis has not been available previously and may very well not be obtainable for these cases.

However, we believe that the Postal Service would not seek to change rates without reasonable and well thought out projections of the effect those rate changes will have in the market.⁴ Our rules anticipate the filing of the estimates of volume and revenue, along with the underlying calculations and reasoning, that would lead the Postal Service to propose the rate changes to

help preserve Express Mail's contribution to institutional costs.

We are not accepting the UPS suggestion that information must be filed for types of mail other than those for which the Postal Service proposes changes. Unless there are startling changes in Express Mail and the other postal services, we believe that generally rate changes in Express Mail Market Response cases can be considered without bringing in other classes. The relationship between Express Mail and the other classes can be raised by either the Postal Service or other parties should it be relevant to a particular proposal, and it will be examined for adjustment in each omnibus rate case.

Express Mail is not a large class, and changes in its rates can be expected to have only a minimal effect on other classes, including Priority Mail. In considering the effect that changes in Express Mail might have on other classes, we note that current Express Mail rates (and costs) are higher than those for comparable Priority Mail pieces. If a particular Postal Service proposal involves suggested rates close to the rates for Priority Mail, then the potential for impact will be a relevant issue. Notwithstanding this possibility, we are not convinced that these rules should require the filing of substantial data about Priority Mail as suggested by UPS. The Service's declared purpose of preserving Express Mail's contribution to institutional costs is not unlike the profit maximization goals presumed to govern competitive markets.

Similarly, we are not including the UPS suggestion that this section specify that information be filed for each of the four subclasses of Express Mail. Currently, the Next Day Post Office to Addressee service overwhelmingly dominates the class, making up over 90% of its volume. The Postal Service does not collect cost data separately for the various subclasses. The data primarily reflect Next Day Post Office to Addressee service; the costs of the other services can be derived from it. The decision not to collect separate data appears reasonable, given the very large differences in volume and the small size of the class as a whole. Therefore, we will not add the requirements for data by Express Mail service proposed by UPS.

We will re-visit these rules within 5 years under the sunset provision—and sooner, if problems requiring immediate attention should arise. If the experience gained in that period indicates that information on additional services is appropriate for consideration of Express

Mail Market Response cases, or that circumstances have changed such that it is reasonable to require separate cost data on the subclasses, we will have a convenient opportunity to modify the rules to require that data.

Rule 57a (d), filing of changes to regulations. The original rule required that the Postal Service provide the Domestic Mail Manual sections as they would appear after the change in rates proposed. In its comments, the Postal Service stated that it believed the reference to be a typographic error. The Postal Service assumed that the Commission intended to refer to the Domestic Mail Classification Schedule.

The reference to the Domestic Mail Manual in our previous notice is not in error. The Postal Service has the discretion to change the Domestic Mail Manual without any participation by the Commission. In these Express Mail Market Response cases, which are to be handled under expedited procedures, we believe that in some instances, the filing of the contemplated Domestic Mail Manual changes might help by providing details of the Postal Service's proposed rate changes and giving clarifications that might not appear from the Domestic Mail Classification Schedule sections.

In light of the misinterpretation the original section gave rise to, we have added the clarification that the Postal Service is to file both the Domestic Mail Classification Schedule changes, as it does in all cases, and the Domestic Mail Manual changes. During the 5-year trial period, we will be able to ascertain whether the additional requirement of filing the Domestic Mail Manual changes does in fact assist in the expeditious consideration of these cases.

Rule 57a (e), attributable costs and methodology. This rule states that the Postal Service is to file attributable costs by segment and component according to the method the Commission adopted in the most recent rate case. The section also provides that the Postal Service may, in addition, file costs using an alternative method as long as a complete explanation is given.

The Postal Service suggested using the word "estimate" with regard to attributable cost projections. We are accepting this change, as it does appear to provide a clearer explanation of what is presented.

Federal Express and UPS address the provision that allows Postal Service also to present costs using a new costing method when it believes such a modification is warranted. Federal Express opposes inclusion of this provision, stating consideration of costing changes is inappropriate in

³ Since our rules adopt the proposal for an updated roll forward, we are not accepting the Postal Service's alternative suggestion that the Commission rely on the Cost and Revenue Analysis (CRA). We do not think the Postal Service's CRA would serve the purpose in any event, because the CRA costing methods are not always consistent with those from the most recent omnibus rate case. For example, at pages 29-30, the FY 1988 CRA does not attribute the fixed portion of Cost Segment 9, Special Delivery Messengers, contrary to the treatment approved in Docket No. R87-1, the most recent rate case. See PRC Op. App. J, CS IX at 12.

⁴ We assume that competitors act in the same manner.

cases where the Postal Service is insisting on the utmost expedition. Federal Express Comments at 3. UPS does not object to the Postal Service having the option of also presenting cost data under new methods, but states that it should be emphasized that the presentation using new methods should be in addition to that using the methods adopted by the Commission in the most recent rate case. UPS Comments at 9.

We are retaining the option for the Postal Service to file cost data using a modified method with the conditions that a complete explanation be given and that the data also be filed in accordance with approved methods. We are adding the emphasis suggested by UPS to assure all interested parties that data using new methods are an optional addition rather than a substitute.

We do not expect that the Postal Service will often take advantage of this option, and we recognize that its use would increase the issues to be decided in these expedited proceedings. However, it is possible that significant improvements in costing methods can be made in the period following a rate case. Ideally, of course, they would be made elsewhere than in the time-constrained context of a Market Response case. But in these cases, as in all others, we want our recommended decisions to be based on the best possible data. We do not believe that the Postal Service should be foreclosed from offering modifications.

It will be up to the Postal Service to determine whether any modification is of sufficient importance to be included for consideration in an Express Mail Market Response case. We believe that it is possible to protect interested parties' due process rights with regard to a proposed change in costing methods in an expedited proceeding.

As suggested by UPS, we have added a phrase indicating that the information required by this section is in addition to that required for the test period. We are using the term "test period" because, as explained with regard to rule 57a(b), these rules for an expedited proceeding do not need the same test year requirement as with proposals which are not expected to become effective for at least 10 months.

Additionally, we are retaining the phrase "for which information is available" with regard to actual (rather than projected) cost data. We do not agree with UPS that the inclusion of a test year requirement makes the phrase unnecessary. A requirement for estimates of what will happen in the future is not related to the conditions under which historical data must be filed.

Similar to our previous discussion of rule 57a (b), we are not expanding the types of services for which the information for rule 57a (e) must be filed. For the reasons given with regard to section (b), we do not agree with UPS that information on types of mail other than those whose rates the Postal Service wishes to change can be expected to be necessary in these cases.

Rule 57a (f), notice of important operational changes. UPS suggests the addition of a requirement that the Postal Service filing under these rules include a description of all operational changes since the last rate case which have a measurable effect on costs, along with an analysis and estimate of that cost effect. UPS points to Docket No. R87-1, in which Commission used the costs from a new transportation network in setting rates. UPS Comments at 11-12.

It is appropriate to include a provision explicitly stating that the cost effects of significant operational changes are to be considered in these cases. The cost effects of important operational changes could be put at issue whether or not a specific provision in the rules referred to them. Therefore, it is in the interest of expedition to have the Postal Service address the question in its initial filing.

We have not used UPS's term of "measurable" to describe the type of changes that must be discussed, since it could include very minor adjustments in operations. We have, instead, described those changes as having an "important" impact on costs. The type of changes covered by this section are those similar in magnitude to the decision to establish a new air transportation network (See PRC Op. R87-1, paras. 3625-51) rather than local changes of the method of transportation used in carrying Express Mail (See R87-1, Tr. 8/5503-04).

Rule 57a (g), current Express Mail revenues. UPS suggests that the Postal Service be required to file a statement of actual Express Mail revenues for the most recent accounting periods, in addition to the Second Notice's requirement of the available information for the most recent four quarters. UPS explains that in cases highly dependent on current trends in the market, the Commission should have the most recent data available. UPS Comments at 10-11.

We have decided not to include this additional information as a filing requirement. Information compiled on the quarterly basis has long been the framework the Commission uses in its proceedings. The quarterly reports have been subject to a more complete audit process. In general, the quarterly data are a more reliable indication to trends and changes.

Rule 57a (h), change in market and identification of needs of customers. The Postal Service's suggested rules in response to the Second Notice omit the requirement for a description of the specific characteristics and needs of the customers and market segments which may be affected by the change in the market and whose needs the proposed rates are designed to meet. The Postal Service substitutes a more general condition of explaining why its proposed rates are a reasonable response to the change.

The Postal Service's suggested language would cover the more specific criteria used in our version, as an explanation of why proposed rates are a reasonable response would, perforce, include a description of the market affected, as well as the anticipated impact of the proposed rates. We are retaining our more detailed description of this requirement, since it is best that procedural rules give as much guidance as possible, particularly in cases which are to proceed on a very expedited basis.

Rule 57a (i), before-and-after estimates. The OCA suggests that the rules include a specific provision for estimates of volumes, costs, revenue and contribution to institutional costs for the base year and test year, with and without the proposed change. We are including such a provision in this set of rules. The information responsive to this rule will serve as a reference to the anticipated effects of the proposed changes, as well as to the situation that will prevail if the Postal Service does not respond to the change in the market.

Rule 57a (j), data requirements. In the Second Notice, we included a list of Express Mail periodic (quarterly) data filing requirements. The purpose of periodic filings was to promote speed in considering the Postal Service's requests, by compiling information providing a background to permit faster understanding of the data the Postal Service would file in support of its proposal.

The Postal Service strongly opposes the periodic filing of such detailed information, explaining the harm that could result from competitors' access to it. The Postal Service points out that competitors, who closely guard detailed information on their operations, could use the information to track Express Mail's progress and then take advantage of opportunities so revealed. Postal Service Comments at 8-9. The Postal Service states that presenting such information only infrequently might not be unduly damaging. *Id.* at 8.

Having considered the Postal Service's argument on this issue, we have decided to eliminate the requirement that these data be filed on a periodic basis. Although their presence could help expedite these cases, the Postal Service has pointed out clear indications of the potential for competitive disadvantage from regular periodic filings. Those disadvantages outweigh the potential contribution to expedition of having such information tracking Express Mail's progress. Therefore, we shall require that this information be provided when the Postal Service files a market response rate request, as the Service suggests in its Comments at 30.

Particularly in this 5-year trial period, it is important, however, to have sufficient information to assess the results of changing Express Mail rates in response to changes in the market. We are, therefore, requiring that the Postal Service file actual Express Mail data as listed in 57a (j) for the test period used in an expedited market response proceeding which resulted in changed rates. The rule allows a year to pass before the data must be filed. This information is to be presented on a quarterly basis.

We recognize the Postal Service's interests in protecting its competitive position by making this filing requirement a one-time (for each rate change under these rules) proposition, and by permitting a year to elapse before the information is made public.

As the filing requirement is no longer periodic, competitors will not be able to track Express Mail's progress at the level of detail that concerns the Postal Service. We note that the Postal Service does include Express Mail information (albeit in less detail) in regular periodic reports, such as the Cost and Revenue Analysis, that are available to the public and the Commission.

If we accept the Postal Service's view of the market as extremely volatile in the present as well as the past,⁵ it appears that the potential for competitive harm from the release of this information more than one year after the events occur will be slight. The information will, however, be very important to an assessment of whether the rules operate in the manner the Postal Service has outlined.

If we are to accept the idea that these rules will help in carrying out our statutory duties, we need to have this information in order to evaluate how well the rules operate in fact. The one-time filing of this information will permit

a "real world" assessment of the Postal Service's assertion that it may be able to meet challenges in the expedited delivery market by changing Express Mail's rates. See Postal Service Comments at 1.

We are moving this section into rule 57a from its former location with the other rules for periodic filings. With regard to the particular items of information required, the Postal Service pointed out data collection problems with some of the precise requirements. We have modified the requirements, since the data then required would meet the needs of our original rules and be a reasonable recognition of the difficulties of data collection.

For the volume by rate cell, we have included the explicit recognition proposed by the Postal Service that the numbers are estimates. We have also changed the format for the pounds of Express Mail at various weight categories from pounds to the postage pounds that the Postal Service can provide without major additions to its data collection system. See Postal Service Comments at 5.

The Postal Service had two problems with the data to be filed reflecting use of hub contracts. The original rule asked for the pound-miles for each subclass carried. The Postal Service said that it was unclear what the rule called for, since data for Express Mail is not collected by subclass and providing data regarding any other subclass of mail would slow the proceedings. Postal Service Comments at 7.

We have modified the rule to make clear that the Postal Service is to use the same breakdown for the types of mail using hub contracts as in Docket No. R87-1. See Tr. 39/26699-702. We are not requiring a breakdown by the subclasses of Express Mail at this time. However, for costing purposes, it is important to know how much of other types of mail are using the hub system. In Docket No. R87-1, the Postal Service provided that information for the Express Mail and Priority Mail. We expect information disaggregated to that degree in Express Mail Market Response cases. Compare PRC Op. R87-1, para. 3629.

Additionally, the original rule called for pound-miles for each subclass. The Postal Service reports that it collects data on the basis of pounds rather than pound-miles. We have changed the data requirement to call for the pounds carried. Allocation of costs to the types of mail—including Express Mail—using the hub contracts can be made using this information.

Rule 57a (k), analyses required. This section provides for the inclusive

analyses to be filed in these cases. The Postal Service's suggested rule in response to the Second Notice somewhat lowered the standard for the evidence it is to file. The Postal Service would qualify its assessment of the projected impact of the proposed changes by adding the term that they are "reasonably expected" to help Express Mail's contribution to institutional costs. The Postal Service would also take out the term "analyses" in describing the presentations it must file.

We are not accepting the Postal Service's modifications. Although they do not appear to change the meaning of the section to a great degree, it is better to retain the better defined and somewhat higher standards.

As explained in our discussion of section 57a (a), we are including in this paragraph specific requirements that the Postal Service file analyses showing the proposals are in the public interest and in accordance with the policies and criteria of the Act. This section should not impose any added burden on the Postal Service as it is obligated to address these issues itself before submitting a rate request to the Commission.

Rule 57b (b), conditions for proposed rates. The Postal Service points out that the costs for Express Mail rate cells in an omnibus rate case are based on average attributable costs which have been distributed to the cells based on expert judgment. The Postal Service reasons that these rules should not give the Postal Service the evidentiary burden of showing that its proposed rates for each cell are above its costs. Postal Service Comments at 23. The Postal Service would eliminate the Second Notice's rule 57b (b) prohibition against proposing a rate for any rate cell lower than the attributable cost for it.

In response to the Postal Service's presentation, we have changed—rather than eliminated—this requirement. Rule 57b (b) now states that the Postal Service shall not propose a rate for any rate cell lower than the estimated attributable cost for providing service to that cell. This condition properly takes into account both the Postal Service's concerns about possibly burdensome data requirements and the interest of establishing schedules in which the rates for individual cells have a reasonable relationship to costs.

This change is also responsive to the comments of Federal Express, which pointed out that this section should be written with reference to test period, rather than historical costs. Federal Express Comments at 4. Our

⁵ Postal Service Comments at 20.

requirement regarding the estimated costs for individual rate cells states that the costs to be used are those for the test period in these cases.

UPS agrees that the requirement that rates proposed for individual cells be higher than the costs for those cells should refer to test year costs. UPS Comments at 15. UPS also states that the prohibition against the Postal Service proposing rates lower than historical per piece attributable costs should be eliminated. UPS's first disagreement with the floor of average per piece attributable cost is that it contemplates, contrary to the statute, rates which make no contribution to institutional costs. *Id.* at 12-15.

We will retain this rate floor for proposals. We do not expect the Postal Service to file cases—as envisioned by UPS—asking for Express Mail rates which make no contribution to institutional costs. We cannot conceive of any fact situation where such rates would comply with the Act; and the rules we have developed explicitly require the Postal Service to demonstrate that its proposal is in accordance with the policies and criteria set out in the Act. Rule 57a (k). Additionally, our rule for decision similarly states that our recommendations will be in accordance with the policies of the Act. Rule 57c.

We are not accepting UPS's alternative which would prohibit proposed rates based on a particular cost coverage, such as one equal to First Class. UPS Comments at 14. Setting any particular cost coverage floor or reference in these rules would inject unnecessary issues into cases. In these cases we will be examining, with as much dispatch as possible, the appropriate rates and cost coverage for Express Mail. It is best to retain a rate floor for proposals which the Postal Service should have no difficulty demonstrating that it has met. In that manner, we can eliminate a potential controversy whose consideration would only be a digression away from the essential issues.

UPS also expresses concern about this section's reference to costs calculated in accordance with rule 57a (e). UPS interprets this section to mean that costs may be calculated under methods which the Postal Service has modified since the Commission approved them in the last omnibus rate case. UPS Comments at 15.

We are retaining the reference to rule 57a (e); as we stated previously, this section merely permits the Postal Service to propose costing changes in addition to presenting costs under the most recently approved methods. We do

not expect the option to be used often in these cases. However, if the Postal Service has developed a modification that it believes is such a significant improvement that it wishes to subject it to litigation in these cases, it should have that opportunity.

UPS states that the Commission should eliminate the prohibition against the Postal Service proposing a rate for any cell higher than the Governors approved in the most recent omnibus rate case. UPS argues that such a restriction would be contrary to the Act as well as unfair to competitors who would be subject to the risk of rate decreases while users would be protected from rate increases. UPS Comments at 16-17.

We are eliminating the restriction against rate increases in the Postal Service's proposals. In Express Mail Market Response cases—as suggested by UPS at footnote 3 of its Comments—the Postal Service might want to have the added flexibility of proposing increases for some rate cells.

Rule 57b (c)(2), service of registrants. In its comments, the Postal Service suggested that the requirement for it to serve its filing on registrants be specified as going Express Mail rather than simply "expedited delivery service." We have made this change; it appears to reflect what will actually occur.

Rule 57b (c)(3), notification of rate case participants. The Postal Service suggested that the required notification that it will send use Express Mail. We have accepted this modification. It may help in expediting the proceedings. We are also accepting the Postal Service's proposed deletion of the word "prominently" from the specifications of what it is to say in the notice. It should be sufficient that the document state that it is a notice of the filing of an Express Mail Market Response case on the first page.

The Postal Service would also delete the requirement that the notice briefly describe the proposal. We are retaining this requirement. The cases the Postal Service has given as examples in this rulemaking have been simple and straightforward, and easily described. The persons receiving the notice can decide more quickly whether they wish to participate in the case if they are given a short description of what it is about.

Rule 57b (d), costing and market demand. The Postal Service would eliminate the provision that it and other parties may, in demand analyses, use market segmentation that was not used in the last omnibus rate case. We are retaining this provision. If progress in

assessing market demand has been made after the close of the last rate case, we do not wish to prohibit such information from the Express Mail Market Response cases. We believe that the potential of such information to reduce the expedition of these proceedings is outweighed by its likely importance to the recommended decision.

Rule 57b (e)(1), request for a hearing. The Postal Service would delete "when possible" as a qualification to the responsibility of parties requesting a hearing to dispute facts stated in the Postal Service's filing to state what facts they believe to be true. We will not eliminate this condition. The parties have 28 days from the filing of the proposal to request a hearing. That period may not be long enough to allow a party to determine what it believes the true facts to be. However, if the party has developed an opinion concerning some or all the factual issues within that time, our rules properly call for its presentation.

The parties will be laboring under burdens necessitated by expeditious proceedings in these cases. Although it may not be easy, we think it reasonable to ask those who have decided to participate in these cases to analyze the Postal Service's filing sufficiently in 28 days to identify any factual statements they believe to be incorrect. We note that these cases are not expected to have a great number of issues, as the Postal Service has stated that what it wants is limited to the ability to change rates quickly when, and if, the market changes in the periods between omnibus rate cases.

We are including the Postal Service's suggestion that parties be asked to identify at that time the testimony they intend to present. Asking parties to give broad outlines of their testimony should help speed the proceeding, since all parties will have a general idea of the approaches that will be taken. This notification will help the parties and the Commission prepare for expeditious analysis of the evidence once it is filed.

This requirement also is conditioned by the phrase "when possible." Although we think that generally parties wishing to present evidence should be able to give a brief description of it within this period, in some instances a party may need to request a short extension of time. Our rules contemplate that the party requesting additional time provide an explanation of why the additional time is necessary.

Rule 57b (e)(2), genuine issue of material fact. The Postal Service suggests that we add the phrase "to be

resolved" following "genuine issue of material fact." We have made this minor editorial change. It might avoid some potential for ambiguity.

Rule 57b (e)(3), briefs and argument. The Postal Service suggests an editorial change, which it believes will remove any possible uncertainty concerning the Commission's notice that it may request briefs or schedule oral argument on an expedited basis in these cases. We are accepting that suggestion.

UPS suggests that an ambiguity may exist in this section, as it could be interpreted to mean that when no hearing is held, it is not necessary to permit the filing of briefs even if opposition exists to the Postal Service's proposal. We are not making this change. Having examined the sentence in light of UPS's concern, we do not believe there should be any doubt that briefs will be permitted in these cases, although their scheduling may be accelerated.

Rule 57b (e)(4), discovery disputes. The Postal Service proposes that the rule use the more common term "Objection to Discovery" rather than "Motion to Excuse from Answering." The Postal Service points out that the latter phrase is not used in our current rules. We are not making this change. We are trying to speed resolution of discovery disputes by eliminating one of the steps—the answer to the conventional motion to compel.

This rule contemplates that the party who receives the interrogatory, and believes there is a legitimate basis for not answering it, will put all the reasons and explanations in the Motion to Excuse from Answering. Therefore, if the party who asked the interrogatory decides to pursue the matter, the controversy will be ready for resolution when a motion is filed. Because the Motion to Excuse from Answering is to contain material often not appearing in an Objection to Discovery, it is best to retain the distinct title.

We are also not adopting the Postal Service's proposed elimination of the option of serving the Motion to Excuse from Answering on the questioning participant by facsimile. This option is available only with regard to the copy sent to the questioning participant. The Commission and the other participants in the case are to receive regular service of such Motions. Facsimile is an option which will permit the questioning participant time to decide whether to file a motion to compel while staying within the tight deadlines necessary in expedited cases.

The Postal Service suggested that the rules require objections—Motions to Excuse from Answering—to be made

within 10 days of the filing of the interrogatory. We are accepting this proposal. Setting a time limit for objections has worked in other Commission proceedings. It has been shown to help speed the discovery phase.

The Postal Service also suggested, in order to remove any possible doubt, to add a phrase specifying that if a Motion to Excuse from Answering is denied, the answer to the interrogatory is due within 7 days of the denial. We are adding the phrase.

Rule 57b (e)(5), schedule. In its comments, Federal Express said that there are potential difficulties in meeting the schedule in this rule. Federal Express Comments at 2. UPS asserts that there is not enough time in the schedule for sufficient analysis of complex problems that could be presented in an Express Mail Market Response case. UPS is concerned that the short deadlines may not give parties adequate time to prepare. UPS has provided a longer, alternative schedule. For example, the UPS schedule calls for the filing of reply briefs 120 days after the initiation of the case, while the Commission's schedule in the Second Notice calls for reply briefs 77 days after the case is filed.

We are retaining the schedule from the Second Notice. Although it has tight deadlines, we believe—with cooperation from everyone—that it is workable for the type of cases that the Postal Service has described. If any particular date causes difficulty, the Presiding Officer can grant an extension of time. In this trial period for the rules for market response rate cases, it is appropriate to establish the shortest time periods that appear workable. When the Commission reviews its experience with these rules, we will be to judge whether any of the scheduled dates should be changed in the rules.

Rule 57b (e)(6), changes in the schedule. Rule 57b (e)(6) explicitly provides that the Presiding Officer may adjust the schedule, gives the time period for requests to file rebuttal evidence to participants' cases, and the considerations to be used in requests for additional time.

The Postal Service would use the term "extend" rather than "adjust" when referring to schedule changes. We are retaining "adjust." It may appear in one of these cases (particularly after gaining some experience in handling them) that the Commission, through the Presiding Officer, may decide that it is possible to shorten some of the deadlines in these rules. Additionally, we are not accepting the Postal Service's proposed requirement that a party make a motion

before the schedule may be changed. The Presiding Officer should have the authority to lengthen or shorten deadlines as it seems appropriate, without any necessity of waiting for a party to file a motion.

The Postal Service would also increase the amount of time—from 3 days to 10 days—a participant has to request permission to file rebuttal to testimony other than the Postal Service's direct case. We are not enlarging this time period in the rules. Our rules provide that early in the proceeding, parties are to give advance notice and a description of the evidence they intend to file. Furthermore, parties will have the participants' prepared testimony for at least 10 days before they must file a request if they want to file rebuttal testimony. We think this schedule is reasonable in a case with limited issues. We have added the specification that the 3 days is to run from the time the material is received in the evidentiary record, to eliminate any possibility that parties could misinterpret the amount of time they are given.

The Postal Service objected to the last sentence of this section, which provides considerations with regard to granting requests for extensions of time. The Postal Service pointed out that equitable concerns can be addressed under the Commission's general powers. We are retaining specific guidelines, with some modification of the wording. It is appropriate to emphasize in these expedited cases that motions for extensions of time will be considered in light of the efforts that participants have made to meet the admittedly short deadlines and events that may have hampered their progress.

Rule 57c, rule for decision. UPS states that the Commission does not need a rule for decision, since every recommended decision it makes must comply with the Act. UPS Comments at 20. UPS says that, if the Commission decides to retain a rule for decision, it should state that any recommendation will be based on the public interest and the policies of the Act. On the other hand, UPS says that it has no objection to the Commission stating in its rules that it intends to receive final briefs within 120 days of the Postal Service filing its request—with the proviso that the schedule is consistent with due process and other procedural rights of the participants. *Id.*

We are retaining the rule for decision, with an addition that should make it entirely clear that the Commission will issue its recommended decisions in compliance with the applicable policies of the Act. This set of rules is being

established in response to the Postal Service's concerns regarding a specific, identified situation. It is appropriate to refer to this situation in the rules for these cases. We are also retaining the statement of our goal of considering these cases within 90 days. That statement might help in providing guidance for interested parties who wish to participate in these cases.

Impact of Proposed Changes

Pursuant to Executive Order 12291, the Commission finds that this proposed rule change does not constitute a "major rule." It affects only rules of practice governing hearing procedures, not the substance of the proceeding. Its economic impact will be negligible, including its impact on the costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions. Additionally, the procedural rule change will have no measurable effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The above analysis that the rule change does not constitute a major rule applies, as well, to the Regulatory Flexibility Act.

The proposed rule change does not contain policies with Federalism implications, and therefore does not warrant preparation of a Federalism assessment under E.O. 12612.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Postal Service.

For the reasons set forth in the preamble, 39 CFR Part 3001 is proposed to be amended as follows.

PART 3001—RULES OF PRACTICE AND PROCEDURE

Subpart B—Rules Applicable to Requests for Changes in Rates or Fees

1. The authority citation for 39 CFR Part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(b), 3603, 3622–3624, 3661, 3662, 84 Stat. 759–762, 764, 90 Stat. 1303; (5 U.S.C. 553), 80 Stat. 383.

2. Sections 3001.57, 3001.57a, 3001.57b, and 3001.57c are added to read as follows:

§ 3001.57 Market response rate requests for Express Mail service—purpose and duration of rules.

(a) This section and §§ 3001.57a through 3001.57c only apply in cases in

which the Postal Service requests an expedited recommended decision pursuant to section 3622 of the Postal Reorganization Act on changes in rates and fees for Express Mail service, where the proposed changes are intended to respond to a change in the market for expedited delivery services for the purpose of minimizing the loss of Express Mail contribution to institutional costs recommended in the most recent omnibus rate case. These rules set forth the requirements for filing data in support of such rate proposals and for providing notice of such requests, and establish an expedited procedural schedule for evaluating Market Response Rate Requests. These rules may not be used when the Postal Service is requesting changes in Express Mail rates as part of an omnibus rate case.

(b) This section and §§ 3001.57a through 3001.57c are initially to be effective for the limited period of five years from the date of their adoption by the Commission. During that period the Commission will continue to analyze the need for these rules to enable the Postal Service to respond to changes in the market for expedited delivery services, and the impact of these procedures on the ability of participants to review and comment on Postal Service proposals. These rules will cease to be effective at the end of this period unless they have been reissued by the Commission following a Notice of Proposed Rulemaking published in the *Federal Register* which provides an appropriate opportunity for public comments.

§ 3001.57a Market response rate requests—data filing requirements.

(a) Each formal request made under the provisions of §§ 3001.57 through 3001.57c shall be accompanied by such information and data as are necessary to inform the Commission and the parties of the nature and expected impact of the change in rates proposed. Except for good cause shown, the information specified in paragraphs (c) through (i) shall also be provided with each request.

(b) Except as otherwise expressly provided in this section, the information required by §§ 3001.54 (b) through (r) must be filed only for those subclasses and services for which the Postal Service requests a change in rates or fees. Test period volume, cost, and revenue estimates presented in satisfaction of rule 57a shall be for four postal quarters beginning after the filing date of the request. The cost roll-forward may be developed by extending the cost forecasting model used in the last omnibus rate case (utilizing

available actual data). Volume and revenue estimates required by these rules shall utilize, to the extent practicable, the factors identified in rule 54(j)(6), and must be fully explained, with all available supporting documentation supplied, but they need not be econometrically derived.

(c) Every formal request made under the provisions of §§ 3001.57 through 3001.57c shall contain an explanation of why the change proposed by the Postal Service is a reasonable response to the change in the market for expedited delivery services to which it is intended to respond.

(d) Every formal request made under the provisions of §§ 3001.57 through 3001.57c shall be accompanied by the then effective Domestic Mail Classification Schedule sections which would have to be altered in order to implement the changes proposed by the Postal Service, and, arranged in a legislative format, the text of the replacement Domestic Mail Classification Schedule sections the Postal Service proposes. The Postal Service shall also present the then effective Domestic Mail Manual sections which would have to be altered in order to implement the changes it has proposed, and, arranged in a legislative format, the text of the replacement Domestic Mail Manual sections the Postal Service intends to make effective to implement its proposed changes.

(e) In addition to the required test period cost estimates, every formal request made under the provisions of §§ 3001.57 through 3001.57c shall be accompanied by a statement of the attributable costs by segment and component for Express Mail service determined in accordance with the attributable cost methodology adopted by the Commission in the most recent omnibus rate case, for the base year used in that case, and for each fiscal year thereafter for which cost data is available. If the Postal Service believes that an adjustment to that methodology is warranted it may also provide costs using alternative methodologies as long as a full rationale for the proposed changes is provided.

(f) Each formal request made under the provisions of §§ 3001.57 through 3001.57c shall include a description of all operational changes, occurring since the most recent omnibus rate case, having an important impact on the attributable cost of Express Mail. Postal Service shall include an analysis and estimate of the cost impact of each such operational change.

(g) Every formal request made under the provisions of §§ 3001.57 through

3001.57c shall be accompanied by a statement of the actual Express Mail revenues of the Postal Service from the then effective Express Mail rates and fees for the most recent four quarters for which information is available.

(h) Each formal request made under the provisions of §§ 3001.57 through 3001.57c shall be accompanied by a complete description of the change in the market for expedited delivery services to which the Postal Service proposal is in response, a statement of when that change took place, the Postal Service's analysis of the anticipated impact of that change on the market, and a description of characteristics and needs of customers and market segments affected by this change which the proposed Express Mail rates are designed to satisfy.

(i) Each formal request made under the provisions of §§ 3001.57 through 3001.57c shall include estimates, on a quarterly basis, of test period volumes, revenues, and attributable costs for each Express Mail service for which rate changes are proposed assuming:

(1) Rates remain at their existing levels, and

(2) Rates are changed after 90 days to the levels suggested in the request.

(j)(1) Each formal request made under the provisions of §§ 3001.57 through 3001.57c shall be accompanied by the following information, for each quarter following the base year in the most recent omnibus rate case:

(i) Estimated volume by rate cell, for each Express Mail service;

(ii) Total postage pounds of Express Mail rated at (a) up to ½ pound, (b) ½ pound up to 2 pounds, (c) 2 pounds up to 5 pounds; and

(iii) Total pounds of Express Mail and of each other subclass of mail carried on hub contracts.

(2) In each instance when rates change based on a proceeding under the provisions of §§ 3001.57 through 3001.57c the Postal Service shall provide, one year after the conclusion of the test period, the data described in § 3001.57a(j)(1)(i-iii), for each of the four quarters of the test period.

(k) Each formal request made under the provisions of §§ 3001.57 through 3001.57c shall include analyses to demonstrate:

(1) That the proposed rates are consistent with the factors listed in 39 U.S.C. 3622(b).

(2) That the proposed rate changes are in the public interest and in accordance with the policies and applicable criteria of the Act, and

(3) That the proposed rates will preserve, or minimize erosion of, the Express Mail contribution to

institutional costs recommended in the most recent omnibus rate case.

(l) Each formal request made under the provisions of §§ 3001.57 through 3001.57c shall be accompanied by a certificate that service of the filing in accordance with § 3001.57b(c) has been made.

§ 3001.57b Market Response Rate Requests—expedition of public notice and procedural schedule.

(a) The purpose of this section is to provide a schedule for expediting proceedings when a trial-type hearing is required in a proceeding in which the Postal Service proposes to adjust rates for Express Mail service in order to respond to a change in the market for expedited delivery services.

(b) The Postal Service shall not propose for consideration under the provisions of §§ 3001.57 through 3001.57c rates lower than

(1) The average per piece attributable cost for Express Mail service determined in the most recent omnibus rate case, or

(2) The average per piece attributable cost for Express Mail service as determined by the Postal Service in accordance with § 3001.57a(e) for the most recent fiscal year for which information is available, whichever is higher.

Neither shall the Postal Service propose a rate for any rate cell which is lower than the estimated test period attributable cost of providing that rate cell with service.

(c)(1) Persons who are interested in participating in Express Mail Market Response Rate Request cases may register at any time with the Secretary of the Postal Rate Commission, who shall maintain a publicly available list of the names and business addresses of all such Express Mail Market Response Registrants. Persons whose names appear on this list will automatically become parties to each Express Mail Market Response rate proceeding. Other interested persons may intervene pursuant to § 3001.20 within 28 days of the filing of a formal request made under the provisions of §§ 3001.57 through 3001.57c. Parties may withdraw from the register or a case by filing a notice with the Commission.

(2) When the Postal Service files a request under the provisions of §§ 3001.57 through 3001.57c it shall on that same day effect service by hand delivery of the complete filing to each Express Mail Market Response Registrant who maintains an address for service within the Washington metropolitan area and serve the complete filing by Express Mail service

on all other Registrants. Each Registrant is responsible for insuring that his or her address remains current.

(3) When the Postal Service files a request under the provisions of §§ 3001.57 through 3001.57c, it shall on that same day send by Express Mail service to all participants in the most recent omnibus rate case a notice which briefly describes its proposal. Such notice shall indicate on its first page that it is a notice of an Express Mail Market Response Rate Request to be considered under §§ 3001.57 through 3001.57c, and identify the last day for filing a notice of intervention with the Commission.

(d) In the absence of a compelling showing of good cause, the Postal Service and parties shall calculate Express Mail costs in a manner consistent with the methodologies used by the Commission in the most recent omnibus rate case. In the analysis of customers' reactions to the change in the market for expedited delivery services which prompts the request, the Postal Service and parties may estimate the demand for segments of the expedited delivery market and for types of customers which were not separately considered when estimating volumes in the most recent omnibus rate case.

(e)(1) In the event that a party wishes to dispute as an issue of fact whether the Postal Service properly has calculated Express Mail costs or volumes (either before or after its proposed changes), or wishes to dispute whether the change in the market for expedited delivery services cited by the Postal Service has actually occurred, or wishes to dispute whether the rates proposed by the Postal Service are a reasonable response to the change in the market for expedited delivery services or are consistent with the policies of the Postal Reorganization Act, that party shall file with the Commission a request for a hearing within 28 days of the date that the Postal Service files its request. The request for hearing shall state with specificity the fact or facts set forth in the Postal Service's filing that the party disputes, and when possible, what the party believes to be the true fact or facts and the evidence it intends to provide in support of its position.

(2) The Commission will not hold hearings on a request made pursuant to §§ 3001.57 through 3001.57c unless it determines that there is a genuine issue of material fact to be resolved, and that a hearing is needed to resolve this issue.

(3) Whether or not a hearing is held, the Commission may request briefs and/or argument on an expedited schedule, but in any circumstance it will issue its recommended decision as promptly as is

consistent with its statutory responsibilities.

(4) In order to assist in the rapid development of an adequate evidentiary record, all participants may file appropriate discovery requests on other participants as soon as an Express Mail Market Response Rate Request is filed. Answers to such discovery requests will be due within 10 days. Objections to such discovery requests must be made within 10 days in the form of a Motion to Excuse from Answering, with service on the questioning participant made by hand, facsimile, or expedited delivery. Responses to Motions to Excuse from Answering must be submitted within seven days, and should such a motion be denied, the answers to the discovery in question are due within seven days of the denial thereof.

(5) If, either on its own motion, or after having received a request for a hearing, the Commission concludes that there exist one or more genuine issues of material fact and that a hearing is needed, the Commission shall expedite the conduct of such record evidentiary hearings to meet both the need to

respond promptly to changed circumstances in the market and the standards of 5 U.S.C. 556 and 557. The procedural schedule, subject to change as described in paragraph (e)(6) of this section, is as follows: Hearings on the Postal Service case will begin 35 days after the filing of an Express Mail Market Response Rate Request; parties may file evidence either in support of or in opposition to the Postal Service proposal 49 days after the filing; hearings on the parties' evidence will begin 56 days after the filing; briefs will be due 70 days after the filing; and reply briefs will be due 77 days after the filing.

(6) The Presiding Officer may adjust any of the schedule dates prescribed in paragraph (e)(5) of this section, in the interests of fairness, or to assist in the development of an adequate evidentiary record. Requests for the opportunity to present evidence to rebut a submission by a participant other than the Postal Service should be filed within three working days of the receipt of that material into the evidentiary record, and should include a description of the evidence to be offered and the amount

of time needed to prepare and present it. Requests for additional time will be reviewed with consideration as to whether the requesting participant has exercised due diligence, and whether the requesting participant has been unreasonably delayed from fully understanding the proposal.

§ 3001.57c Express Mail Market Response—rule for decision.

The Commission will issue a recommended decision in accordance with the policies of 39 U.S.C., and which it determines would be a reasonable response to the change in the market for expedited delivery services. The purpose of §§ 3001.57 through 3001.57c is to allow for consideration of Express Mail Market Response Rate Requests within 90 days, consistent with the procedural due process rights of interested persons.

By the Commission. Chairman Steiger not participating.

Charles L. Clapp,

Secretary.

[FR Doc. 89-13975 Filed 6-12-89; 8:45 am]

BILLING CODE 7715-01-M

Notices

Federal Register

Vol. 54, No. 112

Tuesday, June 13, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

(TB-89-010)

Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) announcement is made of the following committee meeting:

Name: Flue-Cured Tobacco Advisory Committee.

Date: June 29, 1989.

Time: 3:30 p.m.

Place: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Flue-Cured Tobacco Cooperative Stabilization Corporation Building, 1306 Annapolis Drive, Raleigh, North Carolina 27605.

Purpose: To discuss market opening dates, selling schedules, and related matters for the 1989 flue-cured tobacco marketing season.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact the Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-2567, prior to the meeting. Written statements may be submitted to the Committee before, at, or after the meeting.

Date: June 6, 1989.

Kenneth C. Clayton,
Acting Administrator.

[FR Doc. 89-13928 Filed 6-12-89; 8:45 am]

BILLING CODE 3410-02-M

(TB-89-011)

Subcommittee of the Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) announcement is made of the following committee meeting:

Name: Subcommittee of the Flue-Cured Tobacco Advisory Committee.

Date: June 28, 1989.

Time: 1:30 p.m.

Place: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Flue-Cured Tobacco Cooperative Stabilization Corporation Building, 1306 Annapolis Drive, Raleigh, North Carolina 27605.

Purpose: To study the nested tobacco marketing situation. Nested tobacco is defined as tobacco that has been loaded, packed, or arranged to conceal tobacco of inferior grade, quality, or condition.

The meeting is open to the public. However, due to time constraints of the subcommittee, public participation will be limited to written statements submitted before or after the meeting. Any person desiring to submit a written statement should send it to: Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456.

Dated: June 6, 1989.

Kenneth C. Clayton,
Acting Administrator.

[FR Doc. 89-13929 Filed 6-12-89; 8:45 am]

BILLING CODE 3410-02-M

(No. FV-89-208)

Perishable Agricultural Commodities Act; Industry Advisory Committee; Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Act (Pub. L. No. 92-463 and Pub. L. No. 100-414), notice is hereby given of the second meeting of the Perishable Agricultural Commodities Act (PACA) Industry Advisory Committee. The Committee will meet on June 27, 1989 from 8:00 p.m. to 10:00 p.m. and on June 28, 1989 beginning at 8:30 a.m. through 4:30 p.m. at the Holiday Inn North, 4441 Highway 114, Dallas, Texas.

FOR FURTHER INFORMATION CONTACT:
John D. Planagan, (202) 447-2272.

SUPPLEMENTARY INFORMATION: The 20-member Perishable Agricultural Commodities Act Industry Advisory Committee, appointed by the Secretary of Agriculture, represents fruit and vegetable growers, shippers, brokers, processors, wholesalers, and retailers. The Committee was established pursuant to Pub. L. 100-414, to discuss policies and procedures relating to the administration of the Perishable Agricultural Commodities Act, 1930 (7

U.S.C. 499a *et seq.*) and identify areas where the law and program might be enhanced to ensure program efficiency and equitable treatment among the various segments of the fruit and vegetable industry. The Committee will report on its findings and develop recommendations for consideration by Congress and the Secretary of Agriculture. Its interim report will be submitted to the Secretary of Agriculture, the House Committee on Agriculture, and the Senate Committee on Agriculture, Nutrition, and Forestry no later than September 30, 1989. A final report containing the results of the Committee's review and its recommendations will be submitted no later than May 1, 1990. The Committee's meeting will be open to the public. Due to the limitation of time, the public will not be allowed to participate in the meeting. Statements may be submitted before or after the meeting to Mr. John D. Planagan at the address listed below.

The names of Committee members, agenda, and other information pertaining to the meeting may be obtained from John D. Planagan, Chief, PACA Branch, Room 2095 So., Fruit and Vegetable Division, Agricultural Marketing Service, USDA, P.O. Box 96456, Washington, DC 20090-6456, telephone (202) 447-2272.

Done at Washington, DC, this 6th day of June, 1989.

Kenneth C. Clayton,
Acting Administrator.

[FR Doc. 89-13930 Filed 6-12-89; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Mt. Vida Compartment Timber Harvest and Road Development, Modoc National Forest; Intent To Prepare an Environmental Impact Statement

SUMMARY: The Forest Service will prepare an environmental impact statement for proposed road construction and timber harvest on the Warner Mountain Ranger District, Modoc National Forest, Modoc County, California. The environmental impact statement will describe the environmental consequences of proposed road construction and timber harvesting in the Mt. Vida and Crane Mountain release roadless areas.

DATE: Comments concerning the scope of the analysis should be received by September 30, 1989.

ADDRESS: Written comments concerning the scope of the analysis must be sent to Karen Shimamoto, District Ranger, Warner Mountain Ranger District, Box 220, Cedarville, California 96104.

FOR FURTHER INFORMATION CONTACT:

Questions about the proposed action and environmental impact statement should be directed to Douglas D. Schultz, District Planning Officer, Warner Mountain Ranger District, Cedarville, California, 96104, or phone (916) 279-6116.

SUPPLEMENTARY INFORMATION:

Approximately one quarter of the Compartment is currently unroaded, and was released for multiple use management in the California Wilderness Act of 1984. Harvest may be proposed in both roaded and unroaded areas. If approved, the timber sale(s) are scheduled to be sold in 1993 or soon thereafter.

Specific alternatives have not been formulated. The Forest Service will consider a range of alternatives, including no action and alternatives with variable levels of harvest. The EIS will also evaluate a range of harvest methods, and consider the impact of each alternative on other resources. Alternatives may include measures to protect or enhance other resources, such as cultural resources, fish and wildlife, soils productivity, visual resources, and water quality.

Douglas G. Smith, Forest Supervisor, Modoc National Forest, Alturas, California, is the responsible official.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from federal, state and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the draft environmental impact statement (DEIS).

The scoping process will include:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating issues controlled by law, by normal project development constraints or those covered by a previous environmental analysis.
4. Exploring possible alternatives.
5. Identifying potential environmental consequences of the proposed action in terms of direct, indirect and cumulative effects of past, present and

connected activities (adjacent to project).

6. Determining potential cooperating agencies and task assignments.

Additional opportunities for public involvement will be announced through the local news media.

The draft environmental impact statement (DEIS) is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by January 1990. At that time EPA will publish a notice of availability of the DEIS in the *Federal Register*.

The comment period on the DEIS will be 45 days from the date the EPA's notice of availability appears in the *Federal Register*. It is very important that reviewers participate at that time. To be most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed. (See the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, federal court decisions have established that DEIS reviewers must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency of the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. versus NRDC*, 435 U.S. 519, 553 (1978), and environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement (FEIS). *Wisconsin Heritage versus Harris*, 490 F.Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

After the comment period ends, the comments will be analyzed and considered by the Forest Service in preparing the FEIS. The FEIS is scheduled to be completed by June 1990. The Forest Service is required to respond in the FEIS to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, disclosures of environmental consequences, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and rationale in the Record of Decision. The

decision will be subject to appeal under 36 CFR Part 217.

Douglas G. Smith,

Forest Supervisor.

Date: May 18, 1989.

[FR Doc. 89-14037 Filed 6-12-89; 8:45 am]

BILLING CODE 3410-11-M

North Fork of the Mokelumne River Wild and Scenic River Study

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement and wild and scenic river study.

SUMMARY: The Forest Service, Department of Agriculture, will be directing the preparation of an environmental impact statement and wild and scenic river study report to determine whether segments of the North Fork of the Mokelumne River will be recommended for inclusion in the National Wild and Scenic Rivers System. The decision on inclusion rests with the United States Congress.

The environmental impact statement and report will be prepared by a third party contractor. The portion of the North Fork of the Mokelumne River to be studied begins at Salt Springs Reservoir located in the SE ¼ of Section 33, T.8N., R.16E. M.D.M. and extends about 17 miles downstream to the National Forest boundary at Lots 2 and 3 of Section 19, T.7N., R.14E., M.D.C.

The agency invites written comments and suggestions on the scope of the analysis. In addition, the agency gives notice of the full environmental analysis and decision-making process that will occur so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATE: Comments concerning the scope of the analysis must be received by July 31, 1989.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Jerald N. Hutchins, Forest Supervisor, Eldorado National Forest, 100 Forni Road, Placerville, California 95667.

FOR FURTHER INFORMATION CONTACT:

Direct questions about the proposed study and environmental impact statement to Beth Paulson, Project Liaison, Eldorado National Forest, 100 Forni Road, Placerville, Calif. 95667, phone 916-622-5061.

SUPPLEMENTARY INFORMATION: The Eldorado National Forest Land and Resource Management Plan was completed in January 1989, and the

eligibility of the River was determined in that document. The management direction in the Plan called for completing a suitability study to determine whether the North Fork of the Mokelumne River below Salt Springs Reservoir should be recommended for inclusion in the National Wild and Scenic River System.

In preparing the environmental impact statement, a range of alternatives will be identified and considered. These will include no action and the suitability or unsuitability of the river for inclusion in the Wild and Scenic River System and the potential designation of the segments as Wild, Scenic or Recreational.

Paul F. Barker, Regional Forester, Pacific Southwest Region, San Francisco, California, is the responsible official.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the draft environmental impact statement (DEIS). The scoping process includes:

1. Identifying potential issues.
2. Identifying to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).

6. Determining potential cooperating agencies and task assignments.

The Fish and Wildlife Service, Department of the Interior, will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the study area.

The Forest Supervisor will be holding a public scoping meeting in Jackson, California. The time and place will be announced in local newspapers prior to the meeting.

The draft environmental impact statement (DEIS) is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review during the fall of 1989. At that time the EPA will publish a notice

of availability of the DEIS in the Federal Register.

The comment period on the DEIS will be 45 days from the date the EPA's notice of availability appears in the Federal Register. It is very important that those interested in the management of the North Fork Mokelumne River participate at that time. To be the most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions, *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978), and that environmental objections that could have been raised at the draft stage may be waived if not raised after completion of the final EIS. *Wisconsin Heritage, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

After the comment period ends on the DEIS, the comments will be analyzed and considered by the Forest Service in preparing the final EIS. The final EIS is scheduled to be completed by January 1990. In the final EIS, the Forest Service is required to respond to the comments received (40 CFR 1503.4). The responsible official will consider the comments; responses; environmental consequences discussed in the EIS; and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal under 36 CFR 217.¹

Date: June 5, 1989.

Frank E. Mosbacher,

Acting Forest Supervisor.

[FR Doc. 89-13960 Filed 6-12-89; 8:45 am]

BILLING CODE 3410-11-M

¹ 36 CFR Part 17 does not apply to all actions. Consult 36 CFR 217.4 to determine matters excluded from appeal.

DEPARTMENT OF COMMERCE

International Trade Administration

[C-508-601]

Oil Country Tubular Goods From Israel; Preliminary Results Of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on oil country tubular goods from Israel. We preliminarily determine that net subsidy to be 4.30 percent *ad valorem* for the period June 11, 1986 through December 31, 1986 and 4.30 percent *ad valorem* for the period January 1, 1987 through December 31, 1987. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: June 13, 1989.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Ilene Hersher, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 1987, the Department of Commerce ("the Department") published in the Federal Register (52 FR 6999) a countervailing duty order on oil country tubular goods from Israel. On March 31, 1988, Middle East Tube Co., Ltd. ("METCO"), the respondent, requested an administrative review of the order. We published the initiation on April 27, 1988 (53 FR 15083). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn

from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by this review are shipments of Israeli "oil country tubular goods (OCTG)," in both finished and unfinished condition. OCTG consists of hollow steel products of circular cross-section intended for use in drilling for oil or gas. These products include oil well casing and tubing, of carbon or alloy steel, whether welded or seamless, manufactured to either American Petroleum Institute ("API") or non-API (such as proprietary) specifications. During the review period, such merchandise was classifiable under the following items of the Tariff Schedules of the United States Annotated:

610.3216	610.3925	610.4954
610.3219	610.3935	610.4955
610.3233	610.4025	610.4956
610.3234	610.4035	610.4957
610.3242	610.4210	610.4968
610.3243	610.4220	610.4967
610.3249	610.4225	610.4968
610.3252	610.4230	610.4969
610.3254	610.4235	610.4970
610.3256	610.4240	610.5221
610.3258	610.4310	610.5222
610.3262	610.4320	610.5234
610.3264	610.4325	610.5240
610.3721	610.4335	610.5242
610.3722	610.4942	610.5243
610.3751	610.4944	610.5244

This merchandise is currently classifiable under the following HTS items:

7304.20.10.00	7304.20.80.00
7304.20.20.00	7304.20.10.30
7304.20.30.00	7304.20.10.90
7304.20.40.00	7304.20.20.00
7304.20.50.10	7304.20.30.00
7304.20.50.50	7304.20.40.10
7304.20.60.10	7304.20.60.10
7304.20.60.50	7304.20.60.50
7304.20.20.00	7304.20.80.10
7304.20.40.00	7304.20.80.50
7304.20.60.00	

The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive of the scope.

The review covers the period June 11, 1986 through December 31, 1987 and nineteen programs. METCO was the only known exporter of OCTG to the United States during the period of review.

Analysis of Programs

(1) Investment Grants under the Encouragement of Capital Investment Law ("ECIL")

The purpose of the ECIL is to attract capita to Israel. In order to be eligible for various benefits under the ECIL, including investment grants and long-term industrial development loans, the applicant must obtain approved enterprise status. Approved enterprise status is obtained after review of

information submitted to the Israel Ministry of Industry and Trade, Investment Center Division. The amount of the benefits received by approved enterprises depends on the geographic location of the eligible enterprise.

In order to receive a grant under the ECIL, an applicant must obtain an economic viability evaluation of the proposed investment from the Industrial Development Bank of Israel. METCO received approvals for grants in 1971, 1974, 1975 and 1976. According to the approval documents, these grants were contingent upon increased exports. Therefore, we preliminarily determine that the grants given to METCO are export subsidies.

Using the declining balance methodology, we allocated each grant received over 15 years, the average useful life of assets in the steel industry, according to the "Asset Guideline Classes" of the Internal Revenue Service. Because there is no fixed-rate long-term borrowing in Israel, we used as a discount rate a variable rate. The discount rate is the national average short-term borrowing rate for new Israeli shekels, adjusted for inflation, during the period of review as published in the Bank of Israel annual report. We allocated the benefit from these grants over METCO's total exports. On this basis, we preliminarily determine the benefit from this program to be 0.003 percent *ad valorem* for the period June 11, 1986 through December 31, 1986 and 0.001 percent *ad valorem* for the period January 1, 1987 through December 31, 1987.

(2) Insurance from Israel Foreign Trade Risk Insurance Corporation ("IFTRIC")

The Exchange Rate Risk Insurance Scheme ("EIS"), which is operated by IFTRIC, insures exporters against losses occurring when the rate of devaluation of the shekel does not keep pace with the rate of inflation. If the rate of inflation is higher than the rate of devaluation, the exporter is compensated in an amount equal to the difference between the two rates multiplied by the value added by each exporter to the exported merchandise. If the rate of devaluation is higher than the change in the domestic price index, however, the exporter must compensate IFTRIC. The premium is paid on the basis of the value-added of the exports.

In determining whether an export insurance program provides a countervailable benefit, we examine whether the premiums and other charges are adequate to cover the program's long-term operating costs and losses. We found in the *Final Countervailing*

Duty Determination; Oil Country Tubular Goods from Israel ("OCTG"), (52 FR 1649, January 15, 1987), that this program conferred a countervailable benefit on exports of OCTG from Israel because the EIS operated at a loss in the five years from 1981 through 1985, and that five years is a sufficiently long period to establish that the premiums and other charges are inadequate to cover the long-term operating costs and losses of the program. In the *Final Affirmative Countervailing Duty Determination; Certain Fresh Cut Flowers from Israel* (52 FR 3316, February 3, 1987), we found that the EIS also operated at a loss in 1986. In 1987, we found that the EIS continued to operate at a loss. On this basis, we preliminarily determine that this program is countervailable.

We calculated the benefit from this program by dividing the net amount of compensation METCO received by the value of its total OCTG exports during the period of review. On this basis, we preliminarily determine the benefit from this program to be 4.30 percent *ad valorem* for the period June 11, 1986 through December 31, 1986 and 4.30 percent *ad valorem* for the period January 1, 1987 through December 31, 1987.

(3) Long-term Industrial Development Loans

METCO received long-term industrial development loans under the ECIL that had outstanding balances during the review period. In the final determination in *OCTG*, we determined that these loans were limited to a specific enterprise or industry, or group of enterprises or industries, because we had no information on the approval process or actual distribution of the loans. However, in the *Final Affirmative Countervailing Duty Determination; Industrial Phosphoric Acid from Israel ("Industrial Phosphoric Acid")* (52 FR 25448, July 7, 1987), we determined that long-term industrial development loans are countervailable only to the extent that the applicable interest rates are less than those on loans to companies located in the Central Zone (i.e., the heavily populated and developed zone). Because METCO is located in the Central Zone, it paid the highest rate charged for long-term loans at that time. Therefore, we preliminarily determine that these loans to METCO are not countervailable.

(4) Bank of Israel Export Loans

The Government of Israel provides short-term financing to exporters in

Israel through the following credit funds administered by the Bank of Israel:

- (a) Export Production Fund (EPF).
- (a) Export Shipment Fund (ESF).
- (a) Import-for-Export Fund (IEF).

We determined in *Industrial Phosphoric Acid* that loans under these funds were not provided at preferential rates after July 1985. Therefore, we preliminarily determine that these loans from the Bank of Israel are not countervailable.

(5) Other Programs

We also examined the following programs and preliminarily determine that METCO did not use them during the review period:

- a. Dividends and Interest Tax Benefits Under section 46 of the ECIL.
- b. Drawback Grants.
- c. ECIL Interest Subsidy Payments.
- d. ECIL Loans.
- e. ECIL Preferential Accelerated Depreciation.
- f. Encouragement of Industrial Research and Development Law.
- g. Equity Maintenance Allowance.
- h. Labor Training Grants.
- i. Special Export Financing.
- j. Reduced Corporate and Income Tax Rates Under Section 47 of the ECIL.
- k. Tax Deductible Inventory Adjustment.

Preliminary Results of Review

As a result of the review, we preliminarily determine the net subsidy to be 4.30 percent *ad valorem* for the period June 11, 1986 through December 31, 1986 and 4.30 percent *ad valorem* for the period January 1, 1987 through December 31, 1987.

Section 707 of the Act provides that the difference between the amount of a cash deposit, or the amount of any bond or security, for an estimated countervailing duty and the duty determined under a countervailing duty order shall be disregarded to the extent that the estimated duty is lower than the duty determined under the order, which was published on March 6, 1987. The rate in our preliminary determination (51 FR 21201, June 11, 1986) was 2.12 percent *ad valorem* and is lower than the rate determined in this review.

In accordance with section 705(a)(1) of the Act, the final determination in this case was extended to coincide with the final antidumping determination on the same products from Israel. Because, pursuant to Article 5.3 of the Subsidies Code, we cannot impose suspension of liquidation for more than 120 days without the issuance of a countervailing duty order, we terminated the suspension of liquidation for entries or withdrawals made on or after October 9,

1986 and before March 6, 1987, the date of publication of the countervailing duty order. We reinstated suspension of liquidation and the requirement for collection of estimated countervailing duties for entries or withdrawals of the subject merchandise made on or after the date of publication of the countervailing duty order.

Therefore, the Department intends to instruct the Customs Service to assess countervailing duties of 2.12 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 11, 1986 and before October 9, 1986. Entries or withdrawals made on or after October 9, 1986 and before March 6, 1987 are not subject to countervailing duties. The Department intends to instruct the Customs Service to assess countervailing duties of 4.30 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after March 6, 1987 and exported on or before December 31, 1987.

Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Act, of 4.30 percent of the f.o.b. invoice price on all shipments of Israeli OCTG entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 44 days after the date of publication or the following workday. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 355.22 of the Commerce Regulations published in the *Federal Register* on December 27, 1988 (53 FR 52354) (to be codified at 19 CFR 355.22).

Eric I. Garfinkel,
Assistant Secretary for Import
Administration.

Date: June 8, 1989.

[FR Doc. 89-14045 Filed 6-12-89; 8:45am]

BILLING CODE 3510-DS-M

Short-Supply Review on Certain Rough Turned Railroad Axles; Request for Comments

AGENCY: Import Administration/
International Trade Administration,
Commerce.

ACTION: Notice and request for
comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short-supply determination under Article 8 of the U.S.-EC Arrangement Concerning Trade in Certain Steel Products and the U.S.-South Africa Arrangement Concerning Trade in Certain Steel Products with respect to certain rough turned locomotive drive axles.

DATE: Comments must be submitted no later than June 23, 1989.

ADDRESS: Send all comments to Nicholas C. Tolerico, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230, (202) 377-0159.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.-EC Arrangement Concerning Trade in Certain Steel Products and the U.S.-South Africa Arrangement Concerning Trade in Certain Steel Products provide that if the U.S. determines that, because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product or products.

We have received a short-supply request for rough turned locomotive drive axles in the following outboard bearing sizes:

- (a.) 6½×12 axle with 9 inch body;
- (b.) 6¾×12 axle with 9 inch body;
- and
- (c.) 7×12 roller bearing axle.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than June 23, 1989. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly so label the business proprietary portion of the submission and also provide a non-proprietary submission which can be placed in the public file. The public file will be maintained in the Central Records Unit, Room B-099, Import Administration, U.S. Department of Commerce, at the above address.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

June 7, 1989.

[FR Doc. 89-14046 Filed 6-12-89; 8:45 am]

BILLING CODE 3510-DS-M

Lehigh University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 88-031. *Applicant:* Lehigh University, Bethlehem, PA 18015. *Instrument:* Mass Spectrometer, Model VG 1200. *Manufacturer:* VG Isotopes, Ltd., United Kingdom. *Intended Use:* See notice at 54 FR 4875, January 31, 1989.

Comments: None received. *Decision:* Approved. No domestic manufacturer was both "able and willing" to manufacture an instrument or apparatus of equivalent scientific value to the foreign instrument for such purposes as the instrument was intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 301.5(d)(2) of the regulations, at the time the foreign instrument was ordered (February 2, 1988). *Reasons:* The foreign instrument provides analysis of small samples of He, Ne, Ar, Kr and Xe. The capability is pertinent to the applicant's intended purposes. We know of no domestic manufacturer both able and willing to provide an instrument with the required features at the time the foreign instrument was ordered.

As to the domestic availability of instruments, § 301.5(d)(2) of the regulations provides that, in determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, "the normal commercial practices applicable to the production and

delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take account under the circumstances of a particular case." This subsection also provides that, if "a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument."

The regulations require that domestic manufacturers be both "able and willing" to produce an instrument for the purposes of comparison with the foreign instrument. Where an applicant, as in this case, receive a no bid response to a formal request for quotation sent to the only known domestic manufacturer it is apparent that the domestic manufacturer was either not able or not willing to produce an instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument was intended to be used at the time the foreign instrument was ordered.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89-14047 Filed 6-12-89; 8:45 am]

BILLING CODE 3510-DS-M

University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 88-032. *Applicant:* Regents of the University of California, Riverside, CA 92521. *Instrument:* Mass Spectrometer, Model PRISM Series II. *Manufacturer:* VG Instruments, United Kingdom. *Intended Use:* See notice at 54 FR 4875, January 31, 1989.

Comments: None received. *Decision:* Approved. No domestic manufacturer was both "able and willing" to manufacture an instrument or apparatus of equivalent scientific value to the foreign instrument for such purposes as the instrument was intended to be used, and have it available to the applicant without unreasonable delay in

accordance with § 301.5(d)(2) of the regulations, at the time the foreign instrument was ordered (September 2, 1988). *Reasons:* The foreign instrument provides precise multi-element analysis of isotopes C, H, O, N and S. The capability is pertinent to the applicant's intended purposes. We know of no domestic manufacturer both able and willing to provide an instrument with the required features at the time the foreign instrument was ordered.

As to the domestic availability of instruments, § 301.5(d)(2) of the regulations provides that, in determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, "the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case." This subsection also provides that, if "a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purpose of this section the domestic manufacturer would not be considered willing to have supplied the instrument."

The regulations require that domestic manufacturers be both "able and willing" to produce an instrument for the purposes of comparison with the foreign instrument. Where an applicant, as in this case, received a no bid response to a formal request for quotation sent to the only known domestic manufacturer it is apparent that the domestic manufacturer was either not able or not willing to produce an instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument was intended to be used at the time the foreign instrument was ordered.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89-14048 Filed 6-12-89; 8:45 am]

BILLING CODE 3510-OS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit No. 671, Jay Brueggeman, EnviroSphere Co.

On April 6, 1989, notice was published in the Federal Register (54 FR 13930) that

an application (File No. P305A) had been filed by Envirosphere Company, Bellevue, WA, to take an unspecified number of an estimated 30 marine mammal species for systematic and coastal aerial surveys to develop baseline data on the abundance, distribution, diversity, and habitat use patterns of marine mammal populations from the effects of potential oil and gas development.

Notice is hereby given that on May 26, 1989, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), and the National Marine Fisheries Service Regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222), the National Marine Fisheries Service issued a Permit for the above activities subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Room 7330, Silver Spring, Maryland 20910;

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115; and

Office of Management Authority, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 3507, Arlington, Virginia 22203-3507.

Date: May 26, 1989.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 89-13950 Filed 6-12-89; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Joint Ventures Program; Establishment

AGENCY: National Technical Information Service, Commerce.

ACTION: Notice and request for public comment.

SUMMARY: As a result of the National Technical Information Act of 1988, the National Technical Information Service (NTIS) is establishing a joint ventures program designed to encourage private sector organizations to enter into partnerships with NTIS to disseminate

its acquired information to the business, academic and industrial communities more effectively. This notice describes the proposed program and requests comments from interested parties. Because of NTIS' desire to stimulate participation from private sector organizations, the agency is especially concerned with providing sufficient incentives to make the program attractive. NTIS will draw on these comments in formulating the policy and procedures for this program.

DATE: Comments must be received on or before July 28, 1989.

ADDRESSES: Comments may be sent to: Dr. Joseph Clark, Deputy Director, National Technical Information Service, Springfield, VA 22161.

FOR FURTHER INFORMATION CONTACT: Janet Geffner, Joint Ventures Coordinator, at the address given above; telephone (703) 487-4648.

SUPPLEMENTARY INFORMATION:

NTIS Joint Ventures Program

A. Introduction

The National Technical Information Act of 1988 empowers the Secretary of Commerce, acting through the Director of the National Technical Information Service (NTIS), to enter into contracts, cooperative agreements and joint ventures as may be necessary to further its mission of disseminating Federally-funded scientific and technical information to the business, industrial and academic communities. NTIS will actively pursue joint ventures as a means of developing new and improved products and services for information users that can best be developed through the combined resources of NTIS and one or more private sector organizations. A joint venture is an activity in which NTIS and a private sector partner work together to achieve a common goal whose accomplishment involves the investment of resources by both partners, with a formal agreement for sharing of risks and benefits associated with the venture.

B. NTIS Criteria for Entering into Joint Ventures

1. The combined NTIS/private sector effort should result in:

- A new or improved product or service which provides added value to the information user; or
- Broader dissemination of the information NTIS acquires; or
- Greater transfer of government developed information or technology to the industrial community.

2. A joint venture will require both NTIS and the private sector partner to invest resources (either monetary or

other), take risks and share in the resulting revenue.

3. Because NTIS is a self-supporting, user-financed government agency, its analysis of the business plan for the joint venture must indicate that the potential revenue resulting from the venture will enable NTIS to recover its costs.

C. Characteristics of Joint Ventures

NTIS normally operates in the capacity of a supplier of information and data to any and all private sector information organizations on the same terms. In the case of joint ventures, NTIS will establish special relationships with selected joint venture partners which it may not offer to other organizations interested in pursuing the same or similar ventures. Because each joint venture is likely to have unique characteristics, the specific terms and conditions of the joint venture instrument will vary from case to case. Each joint venture agreement will be tailored to protect the legitimate business interests of each of the parties to the extent possible. Because the purpose of these joint ventures is to tap the creativity and versatility of the private sector, NTIS expects to offer incentives to private organizations to encourage them to submit proposals as well as to stimulate the joint venture program. The intent of these incentives is to allow both parties to be compensated for their risks or recover their costs. Furthermore, NTIS will consider discussions about joint venture to be confidential to protect proprietary business interests of prospective partners to the full extent allowable under FOIA.

D. Plan for Conducting Joint Ventures Activities

The NTIS Joint Ventures Coordinator is charged with creating a receptive environment in which to consider joint ventures. As the focal point for all NTIS activities involving partnerships with the private sector, the Joint Ventures Coordinator will conduct preliminary discussions with private organizations and obtain access to NTIS information or personnel to assist the organization in preparing the proposal.

Joint ventures may be initiated in two ways.

1. When a private sector organization has a concept for a new or improved product or service, the organization will be encouraged to discuss this idea with the Joint Ventures Coordinator. These new products or service will generally be based on information that NTIS has

or can acquire from government agencies or foreign sources.

2. When NTIS has developed a concept for a new product or service, the agency will publish a notice to solicit private sector participation for a joint venture.

Before any joint venture is consummated, a business plan will be prepared that, at a minimum:

- Describes the proposed product or service.
- Describes the market and presents any market research that was conducted.
- Outlines the responsibilities of each partner.
- Provides a basis for the projected sales volume.
- Establishes estimates of revenues, sales volumes and costs along with the basis for the estimates.
- Sets forth the basis for allocating revenues between the partners.

NTIS' decision to enter into a joint venture will be based on its written judgment which will document how well the proposal meets the criteria discussed in Section B above.

Joseph F. Caponio,

Director, National Technical Information Service.

[FR Doc. 89-13961 Filed 6-12-89; 8:45 am]

BILLING CODE 3510-04-M

COMMISSION FOR THE IMPROVEMENT OF THE FEDERAL CROP INSURANCE PROGRAM

Meeting

Under the Federal Crop Insurance Commission Act of 1988 (7 U.S.C. 508 note), notice is hereby given of the following meeting of the Commission for the Improvement of the Federal Crop Insurance Program:

Date: June 14-15, 1989

Time: 8:00 a.m.-Noon; 1:00 p.m.-5:30 p.m., June 14. 8:00 a.m.-Noon; 1:00 p.m.-5:30 p.m., June 15.

Place: Embassy Suites Hotel, 1250 22nd Street NW., Washington, DC 20037, Telephone: (202) 857-3388

Type of Meeting: Open to the public.

Comments: The public may file written comments before or after the meeting with the contact person listed below.

Purpose: To continue discussions on the development of recommendations to improve the Federal crop insurance program. The Commission will be meeting in plenary session from 1:00 p.m. to 5:30 p.m. on June 14, 1989, and again in plenary session at the times stated above on June 15, 1989. The Commission's three committees will

be meeting from 8:00 a.m. to noon on June 14, 1989.

At this meeting, the Commission will be drafting its principal report to the Secretary of Agriculture and the Congressional agriculture committees. The report will include: (1) Recommendations for legislation to improve the Federal crop insurance program, including alternative methods for achieving the desired goals; (2) a status report on the improvement of program administration by the Secretary based on the recommendations contained in the interim report of the Commission that was filed in April with the Secretary and the Congressional agriculture committees; and (3) findings and recommendations setting forth means by which participation in the program may be increased and natural disaster protection for producers of agricultural commodities may be improved.

Contact Person: Kellye A. Eversole, Executive Director, Commission for the Improvement of the Federal Crop Insurance Program, 1255 23rd Street NW., Suite 880, Washington, DC 20037. Telephone: (202) 887-6700.

Done at Washington, DC, this 2nd day of June 1989.

Kellye A. Eversole,
Executive Director.

[FR Doc. 89-14121 Filed 6-12-89; 8:45 am]

BILLING CODE 4310-PM-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Rescission of Requests to Consult on Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Thailand

June 7, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT:

Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The United States Government has decided to cancel the outstanding requests to consult on imports of cotton

and man-made fiber coats in Categories 335 and 635.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see *Federal Register* notice 53 FR 44937, published on November 7, 1988). Also see 54 FR 4883, published on January 31, 1989; and 54 FR 14936, published on April 14, 1989.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-13972 Filed 6-12-89; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval For Information Collection Requirements; Baby-bouncers, Walker-jumpers, Baby-walkers

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval, through May 31, 1992, of information collection requirements in regulations applicable to children's articles commonly called baby-bouncers, walker-jumpers, and baby-walkers.

These products, intended for use by young children, are subject to regulations issued under the Federal Hazardous Substances Act, 15 U.S.C. 1261 *et. seq.* One regulation bans from distribution in commerce such products designed so that exposed parts present hazards of amputation, crushing, lacerations, fractures, hematomas, bruises or other injuries to children's fingers, toes, or other parts of the body. See 16 CFR 1500.18(a)(6). A second regulation sets forth criteria for exemption from the banning rule, under specified conditions, of baby-bouncers, walker-jumpers, and baby-walkers. See 16 CFR 1500.86(a)(4). This exemption regulation requires certain labeling on the products or their packaging to identify the product model and name and address of its manufacturer or distributor. The exemption regulation also requires that records be compiled

and maintained for three years relating to the sale, distribution, inspection, and testing of these articles.

If a product subject to the regulations were determined to be banned by provisions of § 1500.18(a)(6) and the hazard were severe enough to warrant recall, both the Commission and the manufacturer or distributor would use the records required by § 1500.86(a)(4) to conduct and monitor a public notification program and/or recall. Records of testing are useful for identifying the products subject to recall and for limiting recall to the products that present the hazards addressed by the banning regulation. Records of sales and distribution would enable the manufacturer involved to send notices concerning the hazard and recall to those customers who received the products subject to recall.

The records required by § 1500.86(a)(4) are maintained on an ongoing basis by manufacturers and importers of products subject to the regulation. They are subject to examination by Commission investigators during inspections or in conjunction with other compliance-related activities.

Additional Details About the Request for Extension of Collection of Information

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Ban of Certain Articles Known as Baby-Bouncers, Walker-Jumpers, and Baby-Walkers, 16 CFR 1500.18(a)(6) and 1500.86(a)(4).

Type of request: Extension of approval of information collection requirements contained in regulations.

Frequency of collection: On-going compilation and maintenance of records.

General description of respondents: Manufacturers of baby-bouncers, walker-jumpers, and baby-walkers.

Estimated number of respondents: 20.

Estimated number of hours for each respondent per year: 2.

Estimated number of hours for all respondents per year: 40.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Pamela Barr, Desk Officer, Office of Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395-7340. Copies of the request for extension of approval of information collection requirements are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety

Commission, Washington, DC 20207; telephone: (301) 492-6416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: June 6, 1989.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 89-13908 Filed 6-12-89; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Partially Closed Meeting; Army Science Board

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 5-6 July 1989.

Time: 0830-1700, 5 July 1989; 0830-1200, 6 July 1989.

Note: All sessions are open except: 1030-1200, 6 July 1989.

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board Ad Hoc Subgroup on Software in the Army will hold its initial meeting. Included in the meeting will be an orientation, briefing on an overview of previous studies on this subject, briefing on USAISSC, and an executive session. The open portions of the meeting are open to the public. Any person may attend, appear before or file statements with the committee at the time and in the manner permitted by the committee. The closed portion of the meeting is closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d).

The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 89-14038 Filed 6-12-89; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Withdrawal From Preparation of a Draft Environmental Impact Statement (DEIS) for a Proposed Debris Clearance Project in the Snake and Gros Ventre Rivers, Jackson Hole, Teton County, WY

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of withdrawal from preparation of a DEIS.

SUMMARY: The Walla Walla District Corps of Engineers is withdrawing its intent to prepare a DEIS for a proposed debris clearance project in the Snake and Gros Ventre Rivers in Jackson Hole, Wyoming. The project was constrained by the emergency authorization which required that the debris clearance be done before the 1989 spring runoff. A limited project was selected which had no significant impacts, therefore a DEIS was not required and is hereby terminated. The Corps prepared a draft Environmental Assessment for the project and conducted the removal in late April 1989. The Corps performed appropriate environmental coordination prior to the debris clearance, but because of the emergency nature of the project, was unable to complete final National Environmental Policy Act (NEPA) documentation prior to completing the project. The Final Environmental Assessment and Finding of No Significant Impact will be completed and available in summer 1989, as provided for in the Corps' regulations concerning the implementation of NEPA in emergency situations.

FOR FURTHER INFORMATION CONTACT:

Comments concerning the debris clearance project and draft Environmental Assessment should be addressed to Chief, Environmental Resources Branch, Corps of Engineers, Walla Walla District, Walla Walla, WA 99362-9265. Comments or questions can be telephoned to Mr. William MacDonald at (509) 522-6625.

SUPPLEMENTARY INFORMATION:

1. This project is located along the Snake and Gros Ventre Rivers in Jackson Hole, Teton County, Wyoming. Property adjacent to the rivers is protected from floods by a series of levees built by Federal, State, and local agencies. High flows in the Snake and Gros Ventre Rivers in the spring of 1988 deposited large quantities of woody debris in the river channels. Most of the debris consists of large dead cottonwood trees that settled on gravel bars after high flows receded. The large quantity of debris reduced the channel carrying capacity, thereby increasing the potential for damage to the levees and subsequent flooding of areas protected by the levees. A number of dead trees also redirect river flow patterns and often cause the river to flow directly into the levees, causing damage to the levee system at relatively low flows.

2. In a letter dated July 31, 1986, the Teton County Commissioners asked the

Corps to perform a clearing and snagging operation to alleviate the flood damage potential to the levees. The project went through several modifications until September 1988, when it was designated as an emergency action under Pub. L. 84-99, Flood Control and Coastal Emergencies. Because of significant concerns from Wyoming Department of Game and Fish and the U.S. Fish and Wildlife Service, the Corps planned to delay the removal of snags and debris until the fall of 1989 and was preparing a draft EIS for the project. Because of the immediate need to complete the project before the 1989 spring runoff produced flooding, the Corps reduced the scope of the project from removal of about 3,000 snags which reduced channel capacity to removal of only snags directly affecting the levees (about 200 snags). After discussing the limited project and conducting on-site coordination with the U.S. Fish and Wildlife Service, Wyoming Department of Game and Fish, and Teton County officials, the Corps determined that the removal of the 200 snags would not have significant impacts to the environment and that an environmental assessment was sufficient for the project.

Dated: May 23, 1989.

James A. Walter,

*Lieutenant Colonel, Corps of Engineers,
District Engineer.*

[FR Doc. 89-13962 Filed 6-12-89; 8:45 am]

BILLING CODE 3710-GC-M

Department of the Navy

Government-owned Inventions; Availability for Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for \$1.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Copies also may be ordered by telephone request to (703) 487-4650. Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application

copies sold to avoid premature disclosure.

DATE: June 13, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCIP), Arlington, Virginia 22217-5000, telephone (202) 696-4001.

Patent 4,227,249: INJECTED CODED REFERENCE FOR ADAPTIVE ARRAY SYSTEMS; filed 9 August 1976; patented 7 October 1980.

Patent 4,231,891: SOLID COMPOSITIONS FOR GENERATION OF GASES CONTAINING A HIGH PERCENTAGE OF HYDROGEN; filed 16 June 1978; patented 4 November 1980.

Patent 4,262,993: ELECTROOPTICALLY BALANCED ALTERNATING SWITCH; filed 11 January 1981.

Patent 4,309,105: METHOD AND APPARATUS FOR TESTING PERFORMANCE AND FIBER OPTIC CABLE COMPONENTS AND ASSEMBLIES; filed 3 March 1980; patented 5 January 1982.

Patent 4,311,649: N,N-BIS(2,2-DINITROETHYL) CARBAMATESTERS; filed 28 November 1982; patented 19 January 1982.

Patent 4,312,114: METHOD OF PREPARING A THIN-FILM, SINGLE CRYSTAL PHOTOVOLTAIC DETECTOR; filed 28 February 1979; patented 26 January 1982.

Patent 4,312,573: ELLIPTICIZED INFRARED LENS PROVIDING BALANCED ASTIGMATISM; filed 9 April 1980; patented 26 January 1982.

Patent 4,315,169: STAIRCASE ELECTRODE-WALL CONFIGURATION FOR MHD GENERATORS; filed 8 November 1979; patented 9 February 1982.

Patent 4,315,326: INERTIAL MEASUREMENT UNDERWATER TRACKING SYSTEM; filed 31 October 1980; patented 9 February 1982.

Patent 4,315,905: PROCESS FOR PRODUCING AN ELECTRONICALLY CONDUCTIVE OXIDIZER MATERIAL; filed 30 June 1980; patented 16 February 1982.

Patent 4,316,206: TWO COLOR NARROW BANDWIDTH DETECTOR; filed 14 April 1980; patented 16 February 1982.

Patent 4,317,610: HOLOGRAPHIC TERRAIN SURFACE DISPLAY SYSTEM; filed 20 July 1979; patented 2 March 1982.

Patent 4,321,043: RECOIL FORCE AND WEIGHT LOSS SIMULATION DEVICE; filed 20 November 1980; patented 23 March 1982.

Patent 4,321,954: GAS PRESSURIZER; filed 23 June 1980; patented 30 March 1982.

Patent 4,322,967: METHOD AND APPARATUS FOR MEASURING OPTICAL COUPLING COEFFICIENTS; filed 19 September 1980; patented 6 April 1982.

Patent 4,323,641: PHOTOGRAPHIC IMAGE ENHANCEMENT BY A GOLD-TONING NEUTRON-ACTIVATION PROCESS; filed 15 August 1980; patented 6 April 1982.

Patent 4,324,140: ELECTRONICALLY SIMULATED ROTATING PRISM FOR ULTRASONIC BEAM SCANNING; filed 31 July 1980; patented 13 April 1982.

Patent 4,326,119: PORTABLE BATTERY OPERATED SMOKE GENERATOR; filed 4 April 1980; patented 20 April 1982.

Patent 4,326,203: CORNER FED ELECTRIC NON-RECTANGULAR MICROSTRIP DIPOLE ANTENNAS; filed 26 September 1979; patented 20 April 1982.

Patent 4,327,576: ACOUSTIC LEAK DETECTOR; filed 5 May 1980; patented 4 May 1982.

Patent 4,328,436: OPTIMALLY LOADED ELECTROHYDRODYNAMIC POWER GENERATOR; filed 10 March 1980; patented 4 May 1982.

Patent 4,330,699: LASER/ULTRASONIC WELDING TECHNIQUE; filed 27 July 1979; patented 18 May 1982.

Patent 4,331,857: ALLOY-COATED TITANIUM WELDING WIRE; filed 30 January 1980; patented 25 May 1982.

Patent 4,332,199: ELECTROMAGNETIC ARMING RATE REGULATOR; filed 9 June 1980; patented 1 June 1982.

Patent 4,333,413: TRAVERSELY STIFFENED MEMBRANE SEAL; filed 23 January 1980; patented 8 June 1982.

Patent 4,335,656: UNDERWATER LAUNCHED PARACHUTE FLARE; filed 31 July 1980; patented 22 June 1982.

Patent 4,335,987: APPARATUS FOR VERTICALLY STACKING FLAT WEIGHTS; filed 28 April 1980; patented 22 June 1982.

Patent 4,336,018: ELECTRO-OPTIC INFANTRY WEAPONS TRAINER; filed 19 December 1979; patented 22 June 1982.

Patent 4,336,607: BEAMFORMER HAVING RANDOM ACCESS MEMORY DELAY; filed 10 December 1980; patented 22 June 1982.

Patent 4,337,111: METHOD OF OBTAINING STRONG AND DURABLE ADHESION TO RUBBER THROUGH CHEMICAL COVALENT BONDS; filed 2 October 1978; patented 29 June 1982.

- Patent 4,337,701: ELECTROMECHANICAL WARHEAD SAFETY-ARMING DEVICE; filed 28 January 1980; patented 6 July 1982.
- Patent 4,338,560: ALBEDO RADIATION POWER CONVERTER; filed 12 October 1979; patented 6 July 1982.
- Patent 4,339,050: LOUVER BUFFER FIRE PREVENTION SYSTEM; filed 3 November 1980; patented 13 July 1982.
- Patent 4,339,423: PEROXONIUM SALTS; filed 25 January 1980; patented 13 July 1982.
- Patent 4,339,662: SAFETY SELECTOR SWITCH INCLUDING PHOTOELECTRIC DETECTION; filed 19 September 1980; patented 13 July 1982.
- Patent 4,339,930: SYSTEM FOR SOLAR ASSISTED HEAT PUMP SYSTEMS; filed 3 July 1980; patented 20 July 1982.
- Patent 4,342,984: HIGH SPEED DIGITAL TO ANALOG CONVERTER CIRCUIT; filed 5 December 1980; patented 3 August 1982.
- Patent 4,343,424: CRACK SUSCEPTIBILITY TEST UTILIZING AN AIRPORT RESTRAINT SPECIMEN; filed 29 May 1980; patented 10 August 1982.
- Patent 4,346,662: SELF CONTAINED BACKFLUSH/START SYSTEM FOR SUCTION LFC UNDERSEA VEHICLE; filed 7 May 1980; patented 31 August 1982.
- Patent 4,347,025: REPLACEABLE FUEL NOZZLE NUT LOCKWASH; filed 17 September 1980; patented 31 August 1982.
- Patent 4,347,439: LEVEL-SHIFT AND PULSE SHAPING CIRCUITRY; filed 1 February 1979; patented 31 August 1982.
- Patent 4,347,515: A RADAR RADIOMETER AND ITS USE; filed 14 October 1980; patented 31 August 1982.
- Patent 4,347,929: BLASTING CAP CONTAINER; filed 16 June 1982; patented 7 September 1982.
- Patent 4,348,185: WIDE ANGLE INFINITY DISPLAY SYSTEM; filed 14 February 1980; patented 7 September 1982.
- Patent 4,348,186: PILOT HELMET MOUNTED CIG DISPLAY WITH EYE COUPLED AREA OF INTEREST; filed 17 December 1979; patented 7 September 1982.
- Patent 4,349,396: METAL-CUTTING PYROTECHNIC COMPOSITION; filed 22 September 1980; patented 14 September 1982.
- Patent 4,349,723: ELECTRICALLY HEATED NON-TOXIC SMOKE GENERATOR; filed 4 April 1980; patented 14 September 1982.
- Patent 4,350,413: MULTI-COLOR TURNABLE FILTER; filed 14 April 1980; patented 21 September 1982.
- Patent 4,350,959: FEEDBACK SIGNAL AMPLIFIER; filed 14 April 1980; patented 21 September 1982.
- Patent 4,352,542: CABLE CONNECTOR; filed 26 August 1980; patented 5 October 1982.
- Patent 4,355,368: ADAPTIVE CORRELATOR; filed 6 October 1980; patented 19 October 1980.
- Patent 4,357,855: RADIATION RESISTANCE PROJECTILE CANISTER LINER; filed 1 December 1980; patented 9 November 1982.
- Patent 4,361,383: LASER BEAM DIRECTIONAL DEVIATION AND NOISE STABILIZATION DEVICE; filed 22 August 1980; patented 30 November 1982.
- Patent 4,362,898: FLUSH MOUNTED LOW IMPEDANCE GROUNDING CONE; filed 9 December 1980; patented 7 December 1982.
- Patent 4,364,530: PROPULSION/CONTROL MODULAR BOOSTER; filed 8 September 1980; patented 21 December 1982.
- Patent 4,365,475: THERMOCHEMICAL ENERGY STORAGE AND MECHANICAL ENERGY CONVERTER SYSTEM; filed 29 August 1980; patented 28 December 1982.
- Patent 4,368,983: ABSOLUTE REFLECTOMETER; filed 13 November 1980; patented 18 January 1983.
- Patent 4,369,413: INTEGRATED DUAL TAPER WAVEGUIDE EXPANSION JOINT; filed 3 February 1981; patented 18 January 1983.
- Patent 4,370,621: HIGH EFFICIENCY GYROTRON OSCILLATOR AND AMPLIFIER; filed 11 March 1980; patented 25 January 1983.
- Patent 4,370,677: ROTATING SHUTTER SYSTEM FOR IMPROVING THE RESOLUTION OF A VISUAL DISPLAY SYSTEM; filed 11 December 1980; patented 25 January 1983.
- Patent 4,371,232: GRADED GAP SEMICONDUCTOR OPTICAL DEVICE; filed 25 April 1980; patented 1 February 1983.
- Patent 4,372,214: EXPLOSIVE AUTO-ENHANCEMENT DEVICE; filed 8 September 1980; patented 8 February 1983.
- Patent 4,372,803: METHOD FOR ETCH THINNING SILICON DEVICES; filed 26 September 1980; patented 8 February 1983.
- Patent 4,375,451: IN SITU LEACH RATE MEASURING SYSTEM; filed 13 August 1981; patented 1 March 1983.
- Patent 4,375,522: THIXOTROPIC RESTRICTOR, CURABLE AT ROOM TEMPERATURE FOR USE ON SOLID PROPELLANT GAINS; filed 21 July 1980; patented 1 March 1983.
- Patent 4,377,403: METHOD OF FABRICATING A FUSED SINGLE MODE FIBER BIDIRECTIONAL COUPLER; filed 29 September 1980; patented 22 March 1983.
- Patent 4,377,807: COARSE/FINE DIGITAL PATTERN COMBINER FOR HIGH ACCURACY; filed 10 September 1981; patented 22 March 1983.
- Patent 4,378,258: CONVERSION BETWEEN MAGNETIC ENERGY AND MECHANICAL ENERGY; filed 2 April 1981; patented 29 March 1983.
- Patent 4,380,634: METHOD OF PREPARING 2-KETO-4,6,8-TETRAETHYL-8,9-DIHYDRO-2H-PYRANO-(3,2-G) QUINOLINE, A BLUE-GREEN LASER DYE; filed 5 October 1981; patented 19 April 1983.
- Patent 4,380,745: DIGITALLY CONTROLLED TEMPERATURE COMPENSATED OSCILLATOR SYSTEM; filed 7 November 1980; patented 19 April 1983.
- Patent 4,384,300: MULTIPLE SCANVALUE CONTROL DEVICE; filed 4 April 1980; patented 10 May 1983.
- Patent 4,384,759: HOLOGRAPHIC CORRECTOR ELEMENT; filed 3 1980; patented 24 May 1983.
- Patent 4,385,948: IN SITU CURED BOOSTER EXPLOSIVE; filed 7 August 1980; patented 31 May 1983.
- Patent 4,386,855: HIGH PRESSURE MECHANICAL MIXER FOR EPOXY COMPOUNDS; filed 25 June 1981; patented 7 June 1983.
- Patent 4,387,073: GOLD BASED ELECTRICAL CONTACT MATERIALS; filed 8 September 1981; patented 7 June 1983.
- Patent 4,387,352: TRANSDUCER ARRAY CROSSOVER NETWORK; filed 3 March 1980; patented 7 June 1983.
- Patent 4,387,865: METHOD FOR STEERING A SOLID PROPELLANT BALLISTIC VEHICLE; filed 25 August 1980; patented 14 June 1983.
- Patent 4,387,869: MONO-ELEMENT COMBINED SUPERCRITICAL/HIGH LIFT AIRFOIL; filed 25 February 1981; patented 14 June 1983.
- Patent 4,388,032: LIFTING AND STOWAGE SYSTEM; filed 30 October 1980; patented 14 June 1983.
- Patent 4,388,593: COIL DEVICE FOR UNDERWATER MAGNETIC TESTING; filed 13 November 1980; patented 14 June 1983.
- Patent 4,388,782: HANDHOLE SEAT RESURFACING TOOL FOR NAVAL PRESSURE FIRE BOILERS; filed 24 April 1981; patented 21 June 1983.
- Patent 4,389,062: ROTARY LATCH; filed 15 December 1980; patented 21 June 1983.

- Patent 4,389,274: ELECTROCHEMICAL DEOXYGENATION FOR LIQUID EPITAXIAL GROWTH; filed 23 March 1981; patented 21 June 1983.
- Patent 4,392,895: IMPROVED RAMJET FUEL; filed 9 November 1981; patented 12 July 1983.
- Patent 4,396,368: BI-PLANAR SWIRL COMBUSTOR; filed 5 September 1980; patented 2 August 1983.
- Patent 4,398,275: LINEAR FREQUENCY SWEEP GENERATOR FOR CONTINUOUS TRANSMISSION FM SONAR; filed 2 October 1981; patented 9 August 1983.
- Patent 4,398,445: GUN MUZZLE CLAMP; filed 27 August 1981; patented 16 August 1983.
- Patent 4,398,687: THRUST DEFLECTOR AND FORCE AUGMENTOR; filed 27 August 1981; patented 16 August 1983.
- Patent 4,398,978: HIGH DENSITY, LOW VISCOSITY AIRBREATHING FUEL; filed 26 April 1982; patented 16 August 1983.
- Patent 4,399,564: FIBER OPTIC SYSTEM FOR TRANSMISSION OF VIDEO SIGNALS BY PULSE-FREQUENCY MODULATION; filed 29 February 1980; patented 16 August 1983.
- Patent 4,399,764: PASSIVE SHOCK MITIGATION SYSTEM WITH SEA WATER METERING SHOCK ABSORBER; filed 6 July 1981; patented 23 August 1983.
- Patent 4,402,069: ACOUSTIC ENVELOPE HAVING MINIMAL VIBRATION AND FLOW INDUCED NOISES; filed 3 July 1981; patented 30 August 1983.
- Patent 4,402,539: REUSABLE CABLE TERMINATION; filed 2 July 1981; patented 6 September 1983.
- Patent 4,405,102: VARIABLE WING POSITION SUPERSONIC BIPLANE; filed 20 November 1981; patented 20 September 1983.
- Patent 4,405,198: EXTENDED FIBER OPTIC SENSOR USING BIREFRINGENT FIBERS; filed 25 August 1981; patented 20 September 1983.
- Patent 4,406,050: METHOD FOR FABRICATING LEAD HALIDE SENSITIZED INFRARED PHOTODIODES; filed 17 March 1982; patented 16 August 1983.
- Patent 4,408,035: PHTHALONITRILE RESIN FROM DIPHHTHALONITRILE MONOMER AND AMINE; filed 24 August 1981; patented 4 October 1983.
- Patent 4,408,334: WAVEPLATE FOR CORRECTING THERMALLY INDUCED STRESS BIREFRINGENCE IN SOLID STATE LASERS; filed 13 March 1981; patented 4 October 1983.
- Patent 4,409,821: SOLID PROPELLANT MEASUREMENT SYSTEM; filed 10 August 1981; patented 18 October 1983.
- Patent 4,409,928: STANDARDIZED COMPACT MODULAR BOILER; filed 2 November 1981; patented 18 October 1983.
- Patent 4,410,363: UNDERWATER APPLICABLE ANTIFOULANT PAINT COMPOSITION; filed 21 July 1981; patented 18 October 1983.
- Patent 4,410,476: METHOD FOR MAKING RADIALLY COMPLIANT LINE ARRAY HOSE; filed 27 November 1981; patented 18 October 1983.
- Patent 4,410,563: REPELLANT COATINGS FOR OPTICAL SURFACES; filed 22 February 1982; patented 18 October 1983.
- Patent 4,410,676: PHENOLIC-CURED PHTHALONITRILE RESINS; filed 24 August 1981; patented 18 October 1983.
- Patent 4,411,627: ARTICULATED LIGHT GUIDE; filed 28 January 1982; patented 25 October 1983.
- Patent 4,412,387: DIGITAL COMPASS HAVING A RADIOMETRIC BEARING PROCESSOR; filed 10 May 1982; patented 1 November 1983.
- Patent 4,413,740: ELECTRONIC PACKAGING TECHNIQUE; filed 24 August 1981; patented 8 November 1983.
- Patent 4,414,605: POSITIVE LOCKING MECHANISM; filed 29 June 1981; patented 8 November 1983.
- Patent 4,414,624: MULTIPLE-MICROCOMPUTER PROCESSING; filed 19 November 1980; patented 8 November 1983.
- Patent 4,414,641: DIGITAL M OF N CORRELATION DEVICE HAVING INCREASED BIT RATE; filed 1 June 1981; patented 8 November 1983.
- Patent 4,415,165: INTEGRAL ELASTOMERIC/GRAPHITE DYNAMIC FACE SEAL; filed 2 December 1982; patented 15 November 1983.
- Patent 4,415,900: CAVITY/MICROSTRIP MULTI-MODE ANTENNA; filed 28 December 1981; patented 15 November 1983.
- Patent 4,415,991: MULTIPLEXED MOS MULTIACCESS MEMORY SYSTEM; filed 22 June 1981; patented 15 November 1983.
- Patent 4,415,996: NONWAVELENGTH-LIMITED HOLOGRAPHIC SOUND FIELD RECONSTRUCTION; filed 9 June 1981; patented 15 November 1983.
- Patent 4,416,630: WEAPONS EFFECT SIGNATURE SIMULATOR; filed 1 February 1982; patented 22 November 1983.
- Patent 4,417,218: LINEARIZING CIRCUIT FOR A HIGH FREQUENCY VOLTAGE CONTROLLED OSCILLATOR; filed 19 June 1981; patented 22 November 1983.
- Patent 4,417,849: VARIABLE GEOMETRY CENTRIFUGAL PUMP; filed 15 September 1981; patented 29 November 1983.
- Patent 4,418,610: ELECTROHYDRAULIC CONTROL SYSTEM; filed 8 September 1980; patented 6 December 1983.
- Patent 4,421,048: SITU INCINERATION/DETOXIFICATION SYSTEM FOR ANTIFOULING COATINGS; filed 22 October 1981; patented 20 December 1983.
- Patent 4,421,486: FIELD OF VIEW TEST APPARATUS; filed 29 March 1982; patented 20 December 1983.
- Patent 4,422,330: LOW SUSCEPTIBILITY PROOF MASS FOR A SINGLE AXIS DRAG COMPENSATION SYSTEM; filed 7 May 1981; patented 27 December 1983.
- Patent 4,422,710: REPAIRABLE BACKSHELL ADAPTER FOR ELECTRICAL CONNECTOR; filed 21 December 1981; patented 27 December 1983.
- Patent 4,422,851: ISOMETRIC GRIP BENDING BEAM CONTROL; filed 12 May 1982; patented 27 December 1983.
- Patent 4,425,649: FEL GAIN ENHANCEMENT EFFECT BY A STATIC TRANSVERSE MAGNETIC FIELD WITH A LONGITUDINAL GRADIENT; filed 26 January 1981; patented 10 January 1984.
- Patent 4,429,290: FLEXI-BEND CORRUGATED WAVEGUIDE; filed 29 October 1979; patented 31 January 1984.
- Patent 4,429,994: SYSTEM FOR REMOTELY DETERMINING VELOCITY OF SOUND IN WATER; filed 22 December 1980; patented 7 February 1984.
- Patent 4,442,986: LEADING EDGE AUGMENTOR WING-IN-GROUND EFFECT VEHICLE; filed 30 August 1982; patented 17 April 1984.
- Patent 4,447,944: METHOD OF FORMING A TUBULAR RIVET IN FASTENING RELATION TO A PLURALITY OF LAMINATES; filed 16 June 1982; patented 15 May 1984.
- Patent 4,448,000: HIGH TEMPERATURE ULTRA-HIGH VACUUM INFRARED WINDOW SEAL; filed 27 April 1982; patented 15 May 1984.
- Patent 4,452,998: FLUORINATED DIACRYLIC ESTERS; filed 6 August 1982; patented 5 June 1984.
- Patent 4,453,238: APPARATUS AND METHOD FOR DETERMINING THE PHASE SENSITIVITY OF HYDROPHONES; filed 15 April 1982; patented 5 June 1984.
- Patent 4,458,328: ADAPTIVE FILTER USING AN ASW STORAGE

- CORRELATOR; filed 13 February 1981; patented 3 July 1984.
- Patent 4,460,828: FLUORESCENCE QUENCHING TECHNIQUE FOR SCANNING VISUAL SYSTEMS; filed 30 April 1982; patented 17 July 1984.
- Patent 4,461,677: PROCESS FOR CHARGING SILVER ELECTRODES TO MONOXIDE LEVEL; filed 5 July 1983; patented 24 July 1984.
- Patent 4,462,330: CURRENT STABILIZED UNDERWATER PLATFORM; filed 30 July 1979; patented 1984.
- Patent 4,462,331: INFLATABLE BOTTOM CONSTRUCTION FOR INFLATABLE BOAT; filed 31 January 1983; patented 31 July 1984.
- Patent 4,463,264: LIGHTWEIGHT NEUTRON DETECTOR; filed 7 July 1982; patented 31 July 1984.
- Patent 4,463,428: AIRCRAFT WEIGHT AND CENTER OF GRAVITY COCKPIT READOUT SYSTEM; filed 26 October 1981; patented 31 July 1984.
- Patent 4,463,678: HYBRID SHAPED-CHARGE KINETIC ENERGY PENETRATORS; filed 1 April 1980; patented 7 August 1984.
- Patent 4,470,818: THERMAL SIGHT TRAINING DEVICE; filed 12 October 1982; patented 11 September 1984.
- Patent 4,477,538: PLATINUM UNDERLAYERS AND OVERLAYERS FOR COATINGS; filed 17 February 1981; patented 16 October 1984.
- Patent 4,477,845: DYNAMIC SKEW CORRECTION FOR MULTICHANNEL ANALOG RECORDING; filed 22 February 1982; patented 16 October 1984.
- Patent 4,478,151: PRESSURE VESSEL PENETRATOR; filed 28 February 1983; patented 23 October 1984.
- Patent 4,479,217: MESSAGE IDENTIFICATION AND DATA ENTRY APPARATUS; filed 22 June 1981; patented 23 October 1984.
- Patent 4,479,378: METHOD AND SYSTEM FOR DETERMINING EFFECT OF UNDERWATER EXPLOSION ON SUBMERGED STRUCTURES; filed 23 September 1982; patented 30 October 1984.
- Patent 4,479,690: UNDERWATER SPLICE FOR SUBMARINE COAXIAL CABLE; filed 13 September 1982; patented 30 October 1984.
- Patent 4,481,000: TOLERANCING DEVICE FOR A WEAPON FIRE SIMULATOR; filed 29 April 1982; patented 6 November 1984.
- Patent 4,487,102: STOWAGE PACK FOR CONTROLLED BOMB/MINE LANYARD PAYOUT; filed 1 July 1983; patented 11 December 1984.
- Patent 4,527,758: DEPLOYMENT SEQUENCE MODE SELECTION SYSTEM FOR AIRCRAFT EJECTION SEAT; filed 12 September 1983; patented 9 July 1985.
- Patent 4,531,196: REAL-TIME FOURIER TRANSFORMER USING ONE ACOUSTO-OPTICAL CELL; filed 27 April 1983; patented 23 July 1985.
- Patent 4,537,369: ADAPTER FOR TOWING AIRCRAFT; filed 11 October 1983; patented 27 August 1985.
- Patent 4,569,033: OPTICAL MATRIX-MATRIX MULTIPLIER BASED ON OUTER PRODUCTS DECOMPOSITION; filed 14 June 1983; patented 4 February 1986.
- Patent 4,605,337: EXPEDIENT RUNWAY SURFACING AND POST TENSIONING SYSTEM FOR EXPEDITIONARY AIRFIELDS; filed 11 February 1985; patented 12 August 1986.
- Patent 4,607,344: TRIPLE MATRIX PRODUCT OPTICAL PROCESSORS USING COMBINED TIME AND SPACE INTEGRATION; filed 27 September 1984; patented 19 August 1986.
- Patent 4,608,566: FOLIAGE-PENETRATION SURVEILLANCE RADAR; filed 16 December 1981; patented 26 August 1986.
- Patent 4,613,784: TRANSVERSELY REINFORCED PIEZOELECTRIC COMPOSITES; filed 21 December 1984; patented 23 September 1986.
- Patent 4,626,854: METHOD AND APPARATUS FOR GENERATING A MODIFIED PI CODE; filed 14 September 1983; patented 2 December 1986.
- Patent 4,628,688: SOLID FUEL RAMJET FLOW CONTROL DEVICE; filed 29 August 1983; patented 16 December 1986.
- Patent 4,629,358: PREFABRICATED PANELS FOR RAPID REPAIR AND EXPEDIENT AIRFIELD SURFACING; filed 17 July 1984; patented 16 December 1986.
- Patent 4,633,255: METHOD FOR SEA SURFACING HIGH FREQUENCY RADAR CROSS-SECTION ESTIMATION USING DOPPLER SPECTRAL PROPERTIES; filed 16 May 1983; patented 30 December 1986.
- Patent 4,638,508: PORTABLE FLIR BEACON; filed 10 April 1978; patented 20 January 1987.
- Patent 4,641,254: TEST SET FOR A NAVIGATION SATELLITE RECEIVER; filed 14 June 1984; patented 2 February 1987.
- Patent 4,642,000: ANCHORING SYSTEM FOR CONCRETE FLOATING PIER; filed 22 July 1985; patented 10 February 1987.
- Patent 4,649,624: FABRICATION OF SEMICONDUCTOR DEVICES IN RECRYSTALLIZED SEMICONDUCTOR FILMS ON ELECTROOPTIC SUBSTRATES; filed 3 October 1983; patented 17 March 1987.
- Patent 4,658,322: ARCING FAULT DETECTOR; filed 29 April 1982; patented 14 April 1987.
- Patent 4,658,926: SEAL FOR AIR CUSHION VEHICLES; filed 11 February 1985; patented 21 April 1987.
- Patent 4,659,548: FABRICATION OF METAL MATRIX COMPOSITE MIRROR; filed 13 February 1986; patented 21 April 1987.
- Patent 4,661,980: INTERCEPT RESISTANT DATA TRANSMISSION SYSTEM; filed 25 July 1982; patented 28 April 1987.
- Patent 4,662,063: GENERATION OF OHMIC CONTACTS ON INDIUM PHOSPHIDE; filed 12 January 1986; patented 5 May 1987.
- Patent 4,664,731: PULTRUSION OF GLASS AND GLASS-CERAMIC MATRIX COMPOSITES; filed 7 January 1985; patented 12 May 1987.
- Patent 4,665,660: MILLIMETER WAVELENGTH DIELECTRIC WAVEGUIDE HAVING INCREASED POWER OUTPUT AND A METHOD OF MAKING SAME; filed 19 July 1985; patented 19 May 1987.
- Patent 4,667,898: AIRCRAFT WITH SINGLE SURFACE MEMBRANOUS AIRFOILS; filed 2 August 1985; patented 26 May 1987.
- Patent 4,668,828: CONVERSION OF PROSTAGLANDIN ANALOGS INTO A BICARBONATE SOLUBLE MIXTURE; filed 6 May 1983; patented 26 May 1987.
- Patent 4,688,894: WAVEGUIDE COUPLER USING THREE OR MORE WAVE MODES; filed 27 April 1981; patented 25 May 1987.
- Patent 4,669,085: IMPROVED ELECTRO-OPTICAL MODULATOR FOR AN ELECTRO-OPTICALLY MODULATED LASER; filed 6 March 1981; patented 26 May 1987.
- Patent 4,671,718: EXPANDING LATCH CAPTIVE BOLT FASTENER; filed 22 July 1985; patented 9 June 1987.
- Patent 4,671,845: METHOD FOR PRODUCING HIGH QUALITY GERMANIUM/GERMANIUM NITRIDE INTERFACES FOR GERMANIUM SEMICONDUCTORS AND DEVICE PRODUCED THEREBY; filed 22 March 1985; patented 9 June 1987.
- Patent 4,672,337: VLF/HF EMI FILTER; filed 27 November 1985; patented 4 June 1987.
- Patent 4,673,446: METHOD OF FORMING THERMALLY STABLE HIGH RESISTIVITY REGIONS IN N-TYPE INDIUM PHOSPHIDE BY

- OXYGEN IMPLANTATION; filed 12 December 1985; patented 16 June 1987.
- Patent 4,678,267: PARABOLIC OPTICAL WAVEGUIDE HORNS AND DESIGN THEREOF; filed 30 June 1981; patented 7 July 1987.
- Patent 4,682,486: AMORPHOUS ALLOY TOROIDS; filed 18 September 1981; patented 28 July 1987.
- Patent 4,682,631: SEALING APPARATUS FOR A VALVE BODY OPENING; filed 3 April 1986; patented 28 July 1987.
- Patent 4,682,846: HERMETIC HIGH PRESSURE OPTIC BULKHEAD PENETRATOR; filed 19 November 1981; patented 28 July 1987.
- Patent 4,685,462: METHOD AND APPARATUS FOR TREATMENT OF HYPOTHERMIA BY ELECTROMAGNETIC ENERGY; filed 21 August 1985; patented 11 August 1987.
- Patent 4,685,799: INTEGRATED OPTICAL TIME DOMAIN REFLECTOMETER/INSERTION LOSS; filed 13 January 1986; patented 11 August 1987.
- Patent 4,686,449: FET CURRENT SOURCE WITH HIGH POWER SUPPLY REJECTION; filed 7 April 1986; patented 11 August 1987.
- Patent 4,689,305: AN INEXPENSIVE SOLID-STATE PHOTOMETER USEFUL IN STUDYING BIOLUMINESCENCE; filed 24 March 1986; patented 25 August 1987.
- Patent 4,690,482: HIGH FREQUENCY HERMETIC COAXIAL CONNECTORS FOR FLEXIBLE CABLE; filed 7 July 1986; patented 1 September 1987.
- Patent 4,694,299: PORTABLE RADAR SIMULATOR WITH ADJUSTABLE SIDE LOBE GENERATOR; filed 12 April 1985; patented 15 September 1987.
- Patent 4,695,520: ELECTROCHEMICAL REVERSE BATTERY; filed 25 September 1986; patented 22 September 1987.
- Patent 4,695,912: FILM CHIP CAPACITOR; filed 4 November 1985; patented 22 September 1987.
- Patent 4,696,536: INTEGRATED OPTICAL WAVELENGTH DEMULTIPLEXER; filed 1 July 1985; patented 29 September 1987.
- Patent 4,702,575: HELMET MOUNTED EYE TRACKER USING A POSITION SENSING DETECTOR; filed 11 May 1981; patented 27 October 1987.
- Patent 4,702,884: GLASS-LINED PIPES; filed 3 July 1986; patented 27 October 1987.
- Patent 4,705,899: 1:3 "MIXED" POLYNITROETHYL ORTHOCARBONATES FROM TRIS (2-FLUORO-2,2-DINITROETHOXY)- METHYL TRICHLOROMETHYL DISULFIDE; filed 18 February 1983; patented 10 November 1987.
- Patent 4,706,550: METAL MATRIX COMPOSITE PISTON HEAD AND METHOD OF FABRICATION; filed 9 January 1986; patented 17 November 1987.
- Patent 4,708,278: PORTABLE, ELECTRONICALLY CONTROLLED, INTEGRATED PCB REWORK STATION; filed 10 February 1986; patented 24 November 1987.
- Patent 4,708,941: OPTICAL WAVEGUIDE SENSOR FOR METHANE GAS; filed 28 February 1985; patented 24 November 1987.
- Patent 4,710,478: GERMANIUM/GALLIUM ARSENIDE HIGH MOBILITY COMPLEMENTARY LOGIC TRANSISTORS AND METHOD FOR MAKING SAID TRANSISTORS; filed 20 May 1985; patented 1 December 1987.
- Patent 4,711,424: COMBINATION ENERGY-ABSORBING FOUNDATION; filed 1 June 1, 1982; patented 8 December 1987.
- Patent 4,711,524: COMBUSTOR FIBERSCOPE; filed 6 September 1985; patented 8 December 1987.
- Patent 4,718,063: OPTOELECTRONIC INTEGRATED CIRCUIT MULTIPLIER; filed 20 June 1985; patented 5 January 1988.
- Patent 4,721,836: APPARATUS FOR TRANSIENT ANNEALING OF SEMICONDUCTOR SAMPLES IN A CONTROLLED AMBIENT; filed 14 May 1986; patented 26 January 1988.
- Patent 4,722,609: HIGH FREQUENCY RESPONSE MULTIPLIER HEAT FLUX GAUGE CONFIGURATION; filed 28 May 1985; patented 2 February 1988.
- Patent 4,725,124: FIBER OPTIC MICROBEND PHASE SHIFTER AND MODULATOR; filed 26 September 1985; patented 16 February 1988.
- Patent 4,725,136: METHOD FOR MEASURING PARTICLE VELOCITY USING DIFFERENTIAL PHOTODIODE ARRAYS; filed 3 May 1982; patented 16 February 1988.
- Patent 4,725,728: FIBER OPTIC TIME DELAY RESONANT OSCILLATING STRAIN GAUGE; filed 13 August 1986; patented 16 February 1988.
- Patent 4,728,930: PARALLEL-TO-SERIAL-DATA INTERFACE-ADAPTER; filed 30 June 1987; patented 1 March 1988.
- Patent 4,733,165: MULTIMODE RESONANCE CHAMBER AND METHOD OF DETERMINING AN EQUIVALENT SINGLE MODE RELAXATION RESPONSE; filed 10 March 1986; patented 22 March 1988.
- Patent 4,734,699: DOPPLER-IMPROVED POLYPHASE PULSE EXPANDER-COMPRESSOR; filed 7 April 1986; patented 29 March 1988.
- Patent 4,737,005: METHOD FOR ELIMINATING BIREFRINGENCE IN A FIBER OPTIC COUPLER AND A COUPLER POLARIZATION CORRECTOR; filed 17 December 1982; patented 12 April 1988.
- Patent 4,739,661: FIBER-OPTIC ACCELEROMETER HAVING CANTILVERED ACCELERATION SENSITIVE MASS; filed 10 April 1987; patented 26 April 1988.
- Patent 4,742,202: MICROWAVE APPARATUS FOR HEATING CONTAINED LIQUID; filed 20 June 1983; patented 3 May 1988.
- Patent 4,746,187: LINK-FREE FIBER OPTIC CABLE CONNECTOR; filed 7 October 1985; patented 24 May 1988.
- Patent 4,751,161: NON-AQUEOUS PRIMARY CELL; filed 29 May 1986; patented 14 June 1988.
- Patent 4,751,662: DYNAMIC FLIGHT SIMULATOR CONTROL SYSTEM; filed 14 July 1986; patented 14 June 1988.
- Patent 4,754,196: AXIAL INJECTION ORBITRON; filed 10 December 1986; patented 28 June 1988.
- Patent 4,754,984: DUAL-SEAL-RING SHAFT SEAL; filed 30 December 1986; patented 5 July 1988.
- Patent 4,755,826: BICOLLIMATED OFFSET GREGORIAN DUAL REFLECTOR ANTENNA SYSTEM; filed 10 January 1983; patented 5 July 1988.
- Patent 4,755,829: SPACE POWER COMBINER; filed 20 February 1987; patented 5 July 1988.
- Patent 4,756,778: PROTECTING MILITARY TARGETS AGAINST WEAPONS HAVING IR DETECTORS; filed 4 December 1980; patented 12 July 1988.
- Patent 4,756,794: ATOMIC LAYER ETCHING; filed 31 August 1987; patented 12 July 1988.
- Patent 4,757,269: MULTI-GIGAWATT HIGH-EFFICIENCY RF AMPLIFIER; filed 18 December 1986; patented 12 July 1988.
- Patent 4,758,795: MICROWAVE PULSE COMPRESSION IN DISPERSIVE PLASMAS; filed 1 July 1986; patented 19 July 1988.
- Patent 4,759,716: ROTATING COLOR MAPPED RADAR SWEEP SIMULATOR; filed 21 March 1986; patented 26 July 1988.
- Patent 4,763,272: AUTOMATED AND COMPUTER CONTROLLED PRECISION METHOD OF FUSED TAPERED OPTICAL FIBER COUPLER FABRICATION; filed 29 May 1987; patented 9 August 1988.

- Patent 4,764,660: ELECTRIC SMOKE GENERATOR; filed 22 October 1985; patented 16 August 1988.
- Patent 4,765,441: SPOKEWHEEL CONVERTIBLE ANTENNA FOR BCA SYSTEMS ABOARD SUBMARINES; filed 6 February 1987; patented 23 August 1988.
- Patent 4,767,998: ACTIVE FILTER USING LOW GAIN AMPLIFICATION STAGES; filed 19 February 1987; patented 30 August 1988.
- Patent 4,768,156: IMAGING SYSTEM; filed 6 May 1986; patented 30 August 1988.
- Patent 4,774,519: TOWABLE BUOYANT CABLE ANTENNA SYSTEM WITH IN-LINE BROADBAND AMPLIFIER; filed 2 April 1987; patented 27 September 1988.
- Patent 4,776,991: SCALED-UP PRODUCTION OF LIPOSOME-ENCAPSULATED HEMOGLOBIN; filed 29 August 1986; patented 11 October 1988.
- Patent 4,776,993: EXTRUSION METHOD FOR OBTAINING HIGH STRENGTH COMPOSITE PROPELLANTS; filed 14 May 1974; patented 11 October 1988.
- Patent 4,777,258: METHOD FOR PREPARING 2,5-DIPICRYL-1,3,4-OXADIAZOLE; filed 23 April 1987; patented 11 October 1988.
- Patent 4,789,971: BROADBAND ACOUSTICALLY TRANSPARENT NONRESONANT PVDF HYDROPHONE; filed 8 April 1986; patented 6 December 1988.
- Patent 4,790,627: INCOHERENT LASER SYSTEM FOR PRODUCING SMOOTH AND CONTROLLABLE SPATIAL ILLUMINATION PROFILES; filed 5 June 1987; patented 12 December 1988.
- Patent 4,794,575: SUBMARINE LAUNCHED SEA STATE BUOY; filed 2 October 1987; patented 27 December 1988.
- Patent 4,798,085: TEST RIG FOR EXAMINING SEAL FINGER WEAR; filed 29 July 1982; patented 17 January 1989.
- Patent 4,798,547: FUEL EFFICIENT PROPULSOR FOR OUTBOARD MOTORS; filed 29 June 1987; patented 17 January 1989.
- Patent 4,799,230: LASER DYES DERIVED FROM BIMANES; filed 20 November 1987; patented 17 January 1989.
- Patent 4,800,350: DIELECTRIC WAVEGUIDE USING POWDERED MATERIAL; filed 23 May 1985; patented 24 January 1989.
- Patent 4,804,779: CHEMICAL DETOXIFICATION OF POLYCHLORINATED BIPHENYLS; filed 4 November 1985; patented 14 February 1989.
- Patent 4,805,158: ACOUSTIC SIGNAL OPTICAL CORRELATOR USING LIGHT EMITTING DIODE ARRAY; filed 1 May 1986; patented 14 February 1989.
- Patent 4,809,001: LAND MASS BLANKING APPARATUS; filed 20 June 1975; patented 28 February 1989.
- Patent 4,809,638: OCEAN LOCATION MARKING USING FILM FORMING POLYMERS; filed 2 November 1987; patented 7 March 1989.
- Patent 4,811,233: COST-OPTIMAL STATE FEEDBACK CONTROLLER FOR ALL-ALTITUDE GIMBAL SYSTEM; filed 2 April 1987; patented 7 March 1989.
- Patent 4,812,050: METHOD FOR CALIBRATING A HEAT FLUX GAUGE; filed 19 October 1987; patented 14 March 1989.
- Patent 4,815,049: DISAPPEARING BAFFLE FOR SONAR ARRAYS; filed 1 September 1988; patented 21 March 1989.
- Patent 4,819,503: LOW FREQUENCY STRUCTUREBORNE FABRICATION ISOLATION MOUNT; filed 22 December 1987; patented 11 April 1989.
- Patent Application 024,202: CO2 LASER PULSE OPTIMIZATION FOR HARMONIC GENERATION; filed 10 March 1987.
- Patent Application 067,845: 1-3-0 CONNECTIVITY PIEZOELECTRIC COMPOSITE WITH VOID; filed 30 June 1987.
- Patent Application 086,345: COMPACT HIGH POWER ACCELERATOR; filed 18 August 1987.
- Patent Application 089,892: YOKED, ORTHOGONALLY DISTRIBUTED EQUAL REACTANCE AMPLIFIER; filed 27 August 1987.
- Patent Application 095,487: YOKED, ORTHOGONALLY DISTRIBUTED EQUAL REACTANCE NON-COPLANAR TRAVELING WAVE AMPLIFIER; filed 27 August 1987.
- Patent Application 096,572: ZERO DISCHARGE SPRAY RINSE SYSTEM FOR ELECTROPLATING OPERATIONS; filed 8 September 1987.
- Patent Application 101,919: HIGH POWER DIAMOND TRAVELING WAVE AMPLIFIER; filed 25 September 1987.
- Patent Application 102,704: SWITCHED STATE FIBER OPTIC GYROSCOPE; filed 30 September 1987.
- Patent Application 104,301: SLOTTED SQUARE PARACHUTE; filed 2 October 1987.
- Patent Application 105,077: COMPACT ELECTROMECHANICAL TRANSDUCER STRUCTURE; filed 25 September 1987.
- Patent Application 111,844: STABILIZED SUSPENSION FOR IMMERSIBLE APPARATUS; filed 19 October 1987.
- Patent Application 123,628: THIN FILM GROWTH OF SUPERCONDUCTING MATERIALS USING SPRAYED SALT SOLUTIONS; filed 23 November 1987.
- Patent Application 135,969: MICROBIOLOGICAL ASSAY USING BIOLUMINESCENCE ORGANISM; filed 21 December 1987.
- Patent Application 143,491: THERMOCHEMICALLY TREATED OLIGOMERIC AND/OR POLYMERIC DERIVED SILICON CARBIDE FIBERS AND METHOD OF PREPARING SAID FIBERS; filed 13 January 1988.
- Patent Application 143,492: METHOD FOR MAKING HOLOGRAMS WITH COHERENT RADIATION FROM A STABILIZED LASER DIODE THAT HAS BEEN ACTIVELY COOLED; filed 13 January 1988.
- Patent Application 144,141: MAXIMUM ENTROPY DECONVOLUTION CIRCUIT BASED ON NEURAL NET PRINCIPLES; filed 15 January 1988.
- Patent Application 145,020: THERMAL MODULATION OF LIGHT BEAMS; filed 13 January 1988.
- Patent Application 147,967: ANCHOR WITH FOLDING SELF DEPLOYING STABILIZERS; filed 25 January 1988.
- Patent Application 149,285: MATCHED RECORD/PLAYBACK AGC AMPLIFIER STAGE; filed 28 January 1988.
- Patent Application 155,434: OPTICAL BEAMFORMER; filed 12 February 1988.
- Patent Application 158,506: GYRO-TW1 STABILIZATION METHOD USING COUPLED LOSSY WAVEGUIDE; filed 22 February 1988.
- Patent Application 160,945: METAL TETRAIODOMERCURATES AS THERMAL SEMICONDUCTORS AND INFRARED DETECTORS; filed 29 February 1988.
- Patent Application 161,935: METHOD AND APPARATUS FOR TRANSIENT UNIT CELL MEASUREMENT; filed 29 February 1988.
- Patent Application 171,706: FIELD EMITTER ARRAY INTEGRATED DISTRIBUTED AMPLIFIERS; filed 22 March 1988.
- Patent Application 172,921: APPARATUS AND METHOD FOR NONDESTRUCTIVELY MEASURING LOCAL CARRIER CONCENTRATION AND GAP ENERGY IN A SEMICONDUCTOR; filed 25 March 1988.
- Patent Application 174,261: CONDUCTIVE POLYMERS OF TRANSITION-METAL COMPLEXED COORDINATED BY

- DIAMINOBEZENDEITHIOL; filed March 1988.
- Patent Application 176,115: A PASSIVATING LAYER FOR III-V SEMICONDUCTOR MATERIALS; filed 30 March 1988.
- Patent Application 177,216: MICROVISCOMETER; filed 4 April 1988.
- Patent Application 181,606: METHOD AND APPARATUS FOR PASSIVELY DETECTING AND TRANSDUCING INTERSACCULAR ACOUSTIC SIGNALS; filed 14 April 1988.
- Patent Application 184,217: APPARATUS AND METHOD FOR LOCATING THE AXIS OF SYMMETRY (CENTER OF CIRCULAR CROSS SECTION) OF THREE DIMENSIONAL OBJECTS; filed 22 April 1988.
- Patent Application 185,728: COLLINEAR FLUCTUATING WALL SHEAR STRESS AND FLUCTUATING PRESSURE TRANSDUCER; filed 25 April 1988.
- Patent Application 187,804: PROGRAMMABLE BEAM TRANSFORM AND BEAM STEERING CONTROL SYSTEM FOR A PHASED ARRAY RADAR ANTENNA; filed 20 April 1988.
- Patent Application 193,625: RECEPTOR-BASED SENSOR; filed 13 May 1988.
- Patent Application 196,186: SURFACE ELECTRODE PROBE FOR ASSESSMENT OF CORROSION ACTIVITY IN REINFORCED CONCRETE; filed 16 May 1988.
- Patent Application 196,705: PASSIVE STABILIZATION OF A FIBER OPTIC NONLINEAR INTERFEROMETRIC SENSOR; filed 20 May 1988.
- Patent Application 199,815: SCANDIA-STABILIZED ZIRCONIA COATINGS; filed 27 May 1988.
- Patent Application 200,267: METHOD AND APPARATUS FOR OVERCOMING POLARIZATION-INDUCED SIGNAL FADING; filed 31 May 1988.
- Patent Application 200,324: ORGANIC VAPOR ASSAY BY RAMAN SPECTROSCOPY; filed 31 May 1988.
- Patent Application 204,152: ACTUATOR RATE SATURATION COMPENSATOR; filed 5 May 1988.
- Patent Application 208,620: MAGNETIC AMPLIFIER HOUSING AND DETECTOR FOR AN IMPROVED TAMPER ALARM SYSTEM; filed 17 June 1988.
- Patent Application 208,931: UTILIZATION OF MAGNETOSTRICTIVE OPTICAL FIBERS IN MULTIPLE ORDER GRADIOMETERS; filed 20 June 1988.
- Patent Application 210,893: ACTUATION SYSTEM OF AN ENCAPSULATING LIFE RAFT; filed 24 June 1988.
- Patent Application 211,522: IMPROVED DATA AND REDUCTION PROCESSOR; filed 23 June 1988.
- Patent Application 212,553: IMPROVED CARBON FIBER REINFORCED METAL MATRIX COMPOSITES; filed 28 June 1988.
- Patent Application 212,841: DUAL ACTIVE LAYER GAAS PHOTOCONDUCTOR FORMED BY ION IMPLANTATION; filed 29 June 1988.
- Patent Application 213,037: PREPARATION OF SPHEROIDAL 3-NITRO-1,2,4-TRIAZOL-5-ONE; filed 24 June 1988.
- Patent Application 213,038: PENTAFLUOROSULFANYL POLYNITROALIPHATIC UREA, MONCARBAMATE AND DICARBAMATE EXPLOSIVE COMPOUNDS; filed 24 June 1988.
- Patent Application 213,039: PENTAFLUOROTHIO POLYNITROALIPHATIC EXPLOSIVES; filed 24 June 1988.
- Patent Application 213,042: NON-RECIPROCAL SEMICONDUCTOR DEVICE; filed 29 June 1988.
- Patent Application 213,882: A METHOD AND DEVICE FOR MAGNETIZING THIN FILMS BY THE USE OF INJECTED SPIN POLARIZED CURRENT; filed 30 June 1988.
- Patent Application 215,199: SMALL ANGLE GENERATING APPARATUS; filed 5 July 1988.
- Patent Application 215,200: METHOD AND APPARATUS FOR GENERATING SMALL ANGLES; filed 5 July 1988.
- Patent Application 216,056: A FREQUENCY INDEPENDENT CONSTANT BEAMWIDTH LENS DIRECTIONAL ANTENNA FOR VERY WIDEBAND AND MULTI-CHANNEL ELECTROMAGNETIC COMMUNICATIONS; filed 7 July 1988.
- Patent Application 224,834: UNDERWATER ELECTROMAGNETIC TURBULENT VELOCIMETER; filed 21 July 1988.
- Patent Application 224,962: METHOD OF SENSITIZING PB-SALT EPITAXIAL FILMS FOR SCHOTTKY DIODES; filed 27 July 1988.
- Patent Application 227,023: APPEARANCE POTENTIAL X-RAY FLUORESCENCE ANALYSIS; filed 1 August 1988.
- Patent Application 228,215: NONLINEAR OPTICAL PROTECTION AGAINST FREQUENCY AGILE LASERS; filed 4 August 1988.
- Patent Application 233,291: GRADUATED-LOAD SPRING WASHER SYSTEM FOR SCREWS AND THREADED FASTENERS; filed 17 August 1988.
- Patent Application 233,303: PRESERVATION AND RESTORATION OF HEMOGLOBIN IN BLOOD SUBSTITUTES; filed 9 August 1988.
- Patent Application 233,519: INTEGRATED OPTIC POLARIZATION-SELECTIVE PHASE MODULATOR; filed 18 August 1988.
- Patent Application 233,521: SERIAL INTERFEROMETRIC FIBER-OPTIC SENSOR ARRAY; filed 18 August 1988.
- Patent Application 236,696: HYDROSTATIC SEALED QUICK RELEASE MECHANISM FOR LIFE RAFTS; filed 25 August 1988.
- Patent Application 239,498: OPTICAL PHASE CONJUGATE BEAM MODULATOR AND METHOD THEREFOR; filed 1 September 1988.
- Patent Application 242,678: EFFICIENT DYNAMIC PHASEFRONT MODULATION SYSTEM FOR FREE-SPACE OPTICAL COMMUNICATIONS; filed 9 September 1988.
- Patent Application 245,176: RING LASER CAVITIES; filed 16 September 1988.
- Patent Application 246,702: AN UNDERWATER MATEABLE ELECTRICAL CONNECTOR; filed 20 September 1988.
- Patent Application 246,703: AN ELASTOMETRIC ELECTRICAL ISOLATION MEMBRANE; filed 20 September 1988.
- Patent Application 247,801: HIGH PRF HIGH CURRENT SWITCH; filed 16 September 1988.
- Patent Application 250,004: FILMS OF DITHIOLENE COMPLEXES IN GAS-DETECTING MICROSENSORS; filed 27 September 1988.
- Patent Application 253,635: CHEMILUMINESCENCE IN MICROEMULSIONS; filed 6 October 1988.
- Patent Application 254,552: LOW POWER CRYSTAL DISPLAY BACKLIGHT; filed 5 October 1988.
- Patent Application 254,553: INTERNAL SHIELD GROUND ADAPTER FOR KICKPIPE STUFFING TUBES; filed 5 October 1988.
- Patent Application 254,629: TECHNIQUE FOR IMPROVING LASER DRILLING AND CUTTING; filed 7 October 1988.
- Patent Application 256,433: POLYBUTADIENE COATED CARBON FIBER REINFORCED POLYMER COMPOSITES; filed 12 October 1988.

Patent Application 256,680: METHOD FOR THE PRODUCTION OF LIPID BASED TUBULES BY DOUBLE CYCLE; filed 16 September 1988.

Patent Application 260,847: A NARROW-BANDWIDTH UNSTABLE LASER RESONATOR; filed 21 October 1988.

Patent Application 262,765: MONOLITHIC MULTICHANNEL DETECTOR AMPLIFIER ARRAYS AND CIRCUIT CHANNELS; filed 25 October 1988.

Patent Application 270,555: CPS ALARM SYSTEM; filed 14 November 1988.

Patent Application 271,830: PROGRAMMABLE ANALOG VOLTAGE MULTIPLIER CIRCUIT MEANS; filed 16 November 1988.

Patent Application 273,443: CURING AGENT FOR HIGH PERFORMANCE PHTHALONITRILE RESINS; filed 18 November 1988.

Patent Application 273,444: FLUOROPOLYMER COATING OF OPTICAL FIBERS; filed 18 November 1988.

Patent Application 276,987: FABRICATION OF A LOW FREQUENCY STRUCTUREBORNE ISOLATION VIBRATION MOUNT; filed 28 November 1988.

Patent Application 280,049: MONOLITHIC RF PROTECTION DEVICE AND METHOD OF MANUFACTURE FOR USE IN EED; filed 5 December 1988.

Patent Application 292,145: SYSTEM AND METHOD FOR AIRBORNE GRAVITY MEASUREMENT USING INTERFEROMETRIC POSITIONING FROM SATELLITES; filed 30 December 1988.

Patent Application 293,788: OPTIC COMMUNICATION SYSTEM; filed 5 January 1989.

Patent Application 294,621: BATTERY POWERED HANDHELD EDDY CURRENT INSTRUMENT; filed 9 January 1989.

Patent Application 301,301: METHOD AND APPARATUS FOR ELIMINATING POLARIZATION-INDUCED SIGNAL FACING IN INTERFEROMETRIC FIBER-OPTIC SENSORS USING INPUT-POLARIZATION CONTROL; filed 25 January 1989.

Patent Application 683,448: VARIABLE CAMBER TANDEM BLADE ROW FOR TURBOMACHINES; filed 19 December 1984.

Patent Application 698,476: SELECTIVE DETECTION OF SPECIES IN COMPLEX MATRICES BY CHEMICAL DERIVATIZATION AND SECONDARY ION MASS SPECTROMETRY; filed 5 February 1985.

Patent Application 737,753: GAS RECIRCULATOR FOR ACYCLIC MACHINES; filed 16 December 1986.

Patent Application 749,975: BIOCIDAL WAX COMPOSITION AND PREPARATION THEREOF; filed 23 December 1986.

Date: 8 June 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89-13971 Filed 6-12-89; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

[Agreement No. DE-FC07-89ID12837]

Grant and Cooperative Agreement Awards; Babcock and Wilcox

AGENCY: Department of Energy.

ACTION: Intent to negotiate and award a Cooperative Agreement Babcock and Wilcox.

SUMMARY: Assessment of strength limiting flaws in ceramic heat exchanger components. The U.S. Department of Energy (DOE), Idaho Operations Office (ID) intends to negotiate on a noncompetitive basis with Babcock and Wilcox, Lynchburg, Virginia. The Cooperative Agreement will be for continuing work with DOE-ID for the development of a method to predict and detect the critical flaw size in a heat exchanger ceramic tube and to predict a minimum lifetime under industrial operating conditions. DOE has determined that continuing this project, under the proposed work, has a principal purpose of stimulation and support for the public purpose of promoting the greater industrial acceptance of ceramic heat exchanger or radiant tubes. This acceptance would increase national energy efficiency in high temperature industrial processes, such as: aluminum remelting furnaces, steel forging furnaces, glass melting furnaces, and hazardous or municipal waste incinerators. Babcock and Wilcox will: (1) Determine the effects of an industrial environment on crack growth in ceramic tubes, (2) predict and verify the expected industrial lifetime of ceramic tubes with flaws, and (3) develop acceptance criteria for a ceramic tube. The estimated budget is \$800,000. A "Determination of Noncompetitive Financial Assistance" (DNCFIA) in accordance with the DOE financial assistance regulations 10 CFR Part 600.7 (2)(i) (A) and (D) was approved on May 10, 1989: (A) The activity to be funded is necessary to the satisfactory completion of or is a

continuation or renewal of, an activity presently being funded by DOE or another Federal agency, and for which competition for support would have a significant adverse effect on continuity or completion of the activity; (D) The application has exclusive domestic capability to perform the activity successfully, based upon such unique equipment, proprietary data, technical expertise, or other such unique qualifications. Public response may be addressed to the person given below.

FOR FURTHER INFORMATION CONTACT:

U.S. Department of Energy, Idaho Operations Office, 758 DOE Place, Idaho Falls, Idaho 83402, T. Wade Hillebrant, Contract Specialist, (208) 526-0547.

H. Brent Clark,

Director, Contracts Management Division.

[FR Doc. 89-13990 Filed 6-12-89; 8:45 am]

BILLING CODE 6450-01-M

Grant and Cooperative Agreement Awards; James W. Flatte

AGENCY: U.S. Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The Department of Energy announces that, pursuant to 10 CFR 600.7(b)(2)(i)(A), it is making a financial assistance award based on a continuation of an activity presently being funded by DOE under Grant Number DE-FG01-87CE15320, to James W. Flatte for additional development and testing of a wood burning stove. Mr. Flatte has previously received this grant to build a prototype of his wood burning stove and have performance tests conducted by the University of Arkansas.

The objectives of the proposed project are (1) to modify the second prototype to incorporate design changes recommended by the University of Arkansas and (2) to conduct additional performance tests on the second prototype.

FOR FURTHER INFORMATION CONTACT:

U.S. Department of Energy, Office of Procurement Operations, ATTN: Rose Mason, MA-453.2, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Contract Operations Division "B", Office of Procurement Operations.

[FR Doc. 89-13994 Filed 6-12-89; 8:45 am]

BILLING CODE 6450-01-M

[Agreement No. DE-FC07-89ID12882]

Grant and Cooperating Agreement Awards, Pulse Sciences, Inc.**AGENCY:** Department of Energy.**ACTION:** Intent to negotiate and award a Cooperative Agreement to Pulse Sciences, Inc.

SUMMARY: *Comminution via arc shattering.* The U.S. Department of Energy, Idaho Operations Office, intends to award on a noncompetitive basis, a cooperative agreement, as the result of an unsolicited proposal submitted by Pulse Sciences, Inc., 5330 Derry Avenue, Suite J, Agoura Hills, CA 91301. This unsolicited proposal was submitted in response to a Notice of Program Interest published in the Commerce Business Daily dated April 19, 1988, and is accepted for support pursuant to the provisions of 10 CFR 600.14(F). The cooperative agreement will support research to develop the concept of applying pulsed, electric arc induced shock waves to produce finely ground ores for subsequent beneficiation. Pulse Sciences will (1) investigate the application of the arc shattering concepts to the comminution of ores to minus 50 microns, (2) perform an assessment to determine if the arc shattering concept has the potential to achieve a 0.01 Quad/year energy savings and whether or not the process will be economically attractive to industry. DOE Funding for this project will amount to \$124,606 for Phase I, and \$250,159 for Phase II. Pulse Sciences unsolicited proposal has been accepted for DOE financial assistance based on its meeting the criteria outlined in the following paragraphs listed under 10 CFR Part 600.14: (a) The activity to be funded is an innovative approach relevant to a public purpose. (d) The applicant possesses the facilities and techniques necessary to achieve the proposed project's objectives.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy; Idaho Operations Office; Attention: J. P. McGowan, Contracts Management Division; 785 DOE Place, Idaho Falls, Idaho 83402, (208) 526-8779.

Issued this 1st day of June at Idaho Falls, Idaho.

H. Brent Clark,

Director, Contracts Management Division.

[FR Doc. 89-13991 Filed 6-12-89; 8:45 am]

BILLING CODE 6450-01-M

Grant and Cooperative Agreement Awards; State of Texas**AGENCY:** Bartlesville Project Office, DOE.**ACTION:** Notice of intent to negotiate a grant with the State of Texas.

SUMMARY: *A Field Laboratory for Improved Oil Recovery.* The U.S. Department of Energy (DOE), Bartlesville Project Office, through the DOE Idaho Operations Office, intends to negotiate on a noncompetitive basis, a cost-share grant with the State of Texas. All technical and scientific aspects will be conducted by the University of Houston, Houston Petroleum Research Center (HPRC) through a subcontract. The action is prompted by the consummation of Annex III to the Memorandum of Understanding between DOE and the State of Texas, which defines the research proposal and the participants, and specifies cost sharing. The grant will be used by the University of Houston, HPRC to establish a field laboratory for research in the area of improved oil recovery. Friendswood (Webster) field, which produces from multiple Frio Sands located 15 miles southeast of the University of Houston, will be the demonstration field. The participant shall (1) conduct a high resolution 3D seismic survey in the demonstration field, (2) develop a complete evaluation of local flood efficiency in different parts of the demonstration reservoir, (3) use diverse methodology to evaluate the potential recovery of the remaining oil in the test reservoir, (4) develop cross-well seismic tomography, and (5) transfer the learned technologies to oil operators through publications and workshops. The University of Houston, HPRC will make available to this research project the state well records, geological data archives, well samples, and computer resources.

The authority and justification for determination of noncompetitive financial assistance (DNCFA) is DOE Financial Assistance Rules 10 CFR 600.7(b)(2)(i), (B), (C) and (D). The activities proposed in Annex III to the agreement between the U.S. Department of Energy and the State of Texas are in support of a public purpose and are as directed by the agreement. This activity would be conducted by the State of Texas using their own resources, however, DOE support of the activity would enhance the public benefits to be derived by allowing more thorough interpretation of reservoir architecture. DOE knows of no other entity which is conducting or planning to conduct such an activity. The applicant is a unit of

Government and the activity to be supported is related to performance of a governmental function within the subject jurisdiction, thereby precluding DOE provision of support to another entity. The State of Texas through its subcontractor, University of Houston, Houston Petroleum Research Center, has exclusive domestic capability to perform the activity successfully based on unique equipment, proprietary data, technical expertise or other such unique qualifications. The applicant has access to data relative to the proposed activities that will be identified and structured and made available to developers, decision-makers, and researchers. The grant term is for two years at an estimated cost of \$800,000.00. This funding level will be shared 50 percent DOE and 50 percent State of Texas. Public response may be addressed to the contract specialist stated below.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Idaho Operations Office, 785 DOE Place, Idaho Falls, Idaho 83402, Trudy A. Thorne, Contract Specialist (208) 526-9519.

Date: May 25, 1989.

H. Brent Clark,

Director, Contracts Management Division.

[FR Doc. 89-13992 Filed 6-12-89; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[ERA Docket No. 89-05-NG]

Tarpon Gas Marketing Ltd.; Order Granting Authorization to Export Natural Gas**AGENCY:** Office of Fossil Energy, DOE.**ACTION:** Notice of an order granting blanket authorization to export natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Tarpon Gas Marketing Ltd. (Tarpon Gas) authorization to export natural gas from the United States to Canada. The order issued in ERA Docket No. 89-05-NG authorizes Tarpon Gas to export up to 100 Bcf of domestic gas over a two-year term from the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, June 5, 1989.

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 89-13993 Filed 6-12-89; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 7841-007 New York]

Enerco Corp.; Availability of Environmental Assessment

June 8, 1989.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for amendment to major license for the proposed New York State Dam Hydroelectric Project located on the Mohawk River in Saratoga and Albany counties, near the towns of Waterford and Cohoes, New York, and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 1000, of the Commission's offices at 825 North Capitol Street NE., Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-14035 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-3-31-000]

Arkla Energy Resources; Filing of Revised Tariff Sheets Reflecting Quarterly PGA Adjustment

June 7, 1989.

Take notice that on June 1, 1989, Arkla Energy Resources (AER), a division of Arkla, Inc., tendered for filing the following tariff sheets to become effective July 1, 1989:

Original Volume No. 3

4th Revised Sheet No. 185.1

First Revised Volume No. 1

51st Revised Sheet No. 4

First Revised Volume No. 1

4th Revised Sheet No. 7A

AER states that these tariff sheets reflect its first quarterly PGA filing made subsequent to its annual PGA effective April 1, 1989 under the Commission's Order Nos. 483 and 483-A.

AER states the proposed changes would decrease its system cost by \$41,064 and its revenue from jurisdictional sales and services by \$6,958 for the PGA period of July, August and September 1989 as adjusted.

AER states that included in this filing are copies of the following revised tariff sheet to correct the current adjustment rate filed in AER's annual PGA filing effective April 1, 1989 in Docket No. TA89-1-31 from (\$.0682) to (\$.05036) or \$.0146 per MMBTU.

First Revised Volume No. 1

2nd Substitute 50th Revised Sheet No. 4

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-14021 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-98-005]

Colorado Interstate Gas Co.; Compliance Filing

June 7, 1989.

Take notice that Colorado Interstate Gas Company ("CIG"), on June 1, 1989, tendered for filing the following tariff sheet to revise its FERC Gas Tariff, Original Volume No. 1:

Second Substitute First Revised Sheet No. 61G7

CIG states that the above-referenced tariff sheet is being filed in compliance with the Commission's Order issued May 17, 1989, in this docket and is to be effective April 1, 1989.

CIG states that copies of the filing were served upon all of the parties to

this proceeding and affected state commissions as well as all of CIG's firm sales customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-14025 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA88-2-23-001, RP88-176-002, and TQ89-2-23-001]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

June 7, 1989.

Take notice that Eastern Shore Natural Gas Company [ESNG] tendered for filing on June 2, 1989 as part of its FERC Gas Tariff, Original Volume No. 1, the following proposed tariff sheets to be effective June 1, 1988.

FERC Gas Tariff Original Volume No. 1

6th Revised Sheet No. 247

3rd Revised Sheet No. 247A

2nd Revised Sheet No. 247B

2nd Revised Sheet No. 247C

Original Sheet No. 247D

6th Revised Sheet No. 248

5th Revised Sheet No. 249

4th Revised Sheet No. 250

4th Revised Sheet No. 251

2nd Revised Sheet No. 251A

ESNG states that the purpose of such revised tariff sheets is to comply with the Commission's directives issued in Docket Nos. TA88-2-23 and TQ89-2-23 with respect to certain tariff language regarding ESNG's PGA treatment of storage gas and to make certain revisions to its PGA in order to bring it into full and complete compliance with the Commission's Regulations at § 154.301 et al.

ESNG further states the tariff sheets filed herein reflect tariff language revisions only and thus have no impact on the PGA rates ESNG has implemented since June 1, 1988.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-14026 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-50-000, et al.]

Florida Gas Transmission Co.; Informal Settlement Conferences

June 7, 1989.

Take notice that informal settlement conferences will be convened in the above-captioned proceeding on June 20 and 21 and on June 27 and 28, 1989, at 10:00 a.m. at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC.

Participants, as defined by 18 CFR 385.102(b), are invited to attend. For additional information contact Donald A. Heydt, (202) 357-8570, or John J. Keating, (202) 357-5762.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-14034 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-9-51-000]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff Purchased Gas Adjustment Clause Provisions

June 7, 1989.

Take notice that Great Lakes Gas Transmission Company ("Great Lakes") on June 1, 1989, tendered for filing Second Substitute Twenty-First Revised Sheet Nos. 57(i) and 57(ii) and Second Substitute Eighth Revised Sheet No.

57(v) to its FERC Gas Tariff, First Revised Volume No. 1.

Great Lakes states the above tariff sheets reflected revised current PGA rates for the months of May, June and July, 1989. The tariff sheets were filed as an Out of Cycle PGA to reflect the latest estimated gas cost as provided to Great Lakes by its sole supplier of natural gas, TransCanada PipeLines Limited ("TransCanada"). These pricing arrangements were the result of contract renegotiation between each of Great Lakes' resale customers and the supplier.

Great Lakes requested waiver of the notice requirements of the provisions of § 154.309 of the Commission's Regulations and any other necessary waivers so as to permit the above tariff sheets to become effective as requested in order to implement the gas pricing agreements between Great Lakes' resale customers and TransCanada on a timely basis.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-14022 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-186-000]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

June 7, 1989.

Take notice that on June 1, 1989, Great Lakes Gas Transmission Company ("Great Lakes"), tendered for filing proposed changes to the following tariff sheets of its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.

First Revised Volume No. 1

Nineteenth Revised Sheet No. 4

Twenty-Second Revised Sheet No. 57(i)

Twenty-Second Revised Sheet No. 57(ii)

Ninth Revised Sheet No. 57(v)

Original Volume No. 2

Twenty-Third Revised Sheet No. 53

Fourteenth Revised Sheet No. 77

Eighth Revised Sheet No. 223

Eighth Revised Sheet No. 245

Seventh Revised Sheet No. 294

Second Revised Sheet No. 437

First Revised Sheet No. 465

Second Revised Sheet No. 466

First Revised Sheet No. 603

First Revised Sheet No. 665

First Revised Sheet No. 666

First Revised Sheet No. 700

Great Lakes states that these tariff sheets were filed under protest pursuant to the Federal Energy Regulatory Commission's ("Commission") orders of March 31 and May 10, 1989, in Docket No. RP89-53-000. They were filed under the requirements of § 154.303(e) of the Commission's Regulations. Great Lakes states that it has filed a request for rehearing on the Commission's order of March 31, 1989, which request for rehearing was pending before the Commission at the time of the submission. Great Lakes further states that its filing is made under protest and without further prejudice to Great Lakes' position in its request for rehearing.

Great Lakes states that these tariff sheets establish new base tariff rates to be effective July 1, 1989, based on actual costs for the base period ended February 28, 1989 with annualizing adjustments as permitted by § 154.303(e)(1)(B) of the Commission's Regulations. The cost of gas purchased included in the cost of service study is based on the purchase gas adjustment filing approved by the Commission on May 12, 1989 in Docket No. TQ89-7-51-000. Great Lakes states TQ89-7-51-51-000. Great Lakes states that in this filing it is continuing to utilize the cost classification, allocation and rate design methodology previously approved by the Commission for use on its system.

Great Lakes states that the annualized volumes multiplied by its present base tariff rates, adjusted for the PGA approved by the Commission on May 12, 1989 in Docket No. TQ89-7-51-000, produce revenues in excess of the filed cost of service. Great Lakes states that the restated base tariff rates proposed in the filing have been determined on the basis of the filed cost of service and accordingly reflect a reduction in annual revenues of approximately \$17.4 million. The new base tariff rates are proposed to be effective July 1, 1989.

Great Lakes further states that copies of its filing have been served upon each of its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1988)). All such motions or protests should be filed on or before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 89-14033 Filed 6-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TM89-2-37-000]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

June 7, 1989.

Take notice that on June 1, 1989, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets:

First Revised Volume No. 1

Fifty-Third Revised Sheet No. 10

Twenty-Ninth Revised Sheet No. 10-A

Original Volume No. 1-A

Seventh Amended Fifteenth Revised Sheet No. 201

Original Volume No. 2

Ninth Revised Sheet No. 2.3

Northwest states that the purpose of this filing is to update its Commodity SSP Charge (Order No. 500 buyout/buydown costs) to reflect interest applicable to April through June 1989. The proposed revised Commodity SSP charge is 1.80¢ per MMBtu, to be effective July 1, 1989.

Northwest states that a copy of this filing has been sent to all parties of record in docket No. RP89-137 and to all jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or

before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 89-14029 Filed 6-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TQ89-4-37-000]

Northwest Pipeline Corp.; Proposed Change in Sales Rates Pursuant to Purchased Gas Cost Adjustment

June 7, 1989.

Take notice that on June 1, 1989, Northwest Pipeline Corporation ("Northwest") submitted for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGA") of its FERC Gas Tariff. First Revised Volume No. 1. Such change in rates is for the purpose of reflecting changes in Northwest's estimated cost of purchased gas for the three months ending September 30, 1989.

Northwest states that the current PGA adjustment aggregates to a decrease of 27.61¢ per MMBtu in the commodity rate for all rate schedules affected by and subject to the PGA. The proposed change in Northwest's commodity rates for the third quarter of 1989 would decrease sales revenues by approximately \$965,798. The instant filing also provides for a minor reduction in the demand components of Northwest's gas sales rates. The proposed rate changes have been reflected on Fifty-Second Revised Sheet No. 10 with an effective date of July 1, 1989.

A copy of this filing is being served on Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 89-14030 Filed 6-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-143-001]

Pacific Offshore Pipeline Co.; Compliance Filing

June 7, 1989.

Take notice that on June 1, 1989, Pacific Offshore Pipeline Company (POPCO) filed certain revised tariff sheets to its FERC Gas Tariff, Original Volume 1, to be effective April 1, 1989.

POPCO states that this filing complies with the Commission's order of May 2, 1989.

POPCO states that a copy of this filing is being served on all parties of record in this proceeding and on all jurisdictional customers and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure [18 C.F.R. 385.214, 385.211 (1988)]. All such protests should be filed on or before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 89-14018 Filed 6-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-144-001]

Pacific Interstate Offshore Co.; Compliance Filing

Take notice that on June 1, 1989, Pacific Interstate Offshore Company (PIOC) filed certain revised tariff sheets to its FERC Gas Tariff, Original Volume 1, to be effective April 1, 1989.

PIOC states that this filing complies with the Commission's order of May 3, 1989.

PIOC states that a copy of this filing is being served on all parties of record in this proceeding and on all jurisdictional customers and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure [18 CFR 385.214, 385.211 (1988)]. All such protests should be filed on or before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson,

Acting Secretary.

[FR Doc. 89-14019 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-3-6-000]

Sea Robin Pipe Line Co.; Filing of Revised Tariff Sheets

June 7, 1989.

Take notice that on May 31, 1989, Sea Robin Pipeline Company (Sea Robin) tendered for filing the following tariff sheet:

Original Volume No. 1.

Fifty-Seventh Revised Sheet No. 4

Sea Robin states that the proposed effective date of the above referenced tariff sheet in this docket is July 1, 1989. The above referenced tariff sheet is being filed pursuant to §§ 154.304 and 154.308 of the Commission's regulations to reflect the changes in the purchased gas cost adjustment provisions contained in Sections 1 and 4 of the General Terms and Conditions of Sea Robin's FERC Gas Tariff, Original Volume No. 1.

Sea Robin states that the tariff sheet is filed to reflect a decrease in gas cost of \$.0027 under Rate Schedule X-1 and X-2. This produces a current effective commodity charge of \$3.2207. Sea Robin states that there is no change in gas cost under Rate Schedules X-7 and X-8.

Sea Robin states that the revised tariff sheet and supporting data are being mailed to its jurisdictional sales

customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's regulations. All such motions or protests should be filed on or before June 14, 1989.

Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to proceedings. Any person wishing to become a party must file a motion to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-14027 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-141-002]

Sea Robin Pipeline Co.; Compliance Filing

June 7, 1989.

Take notice that on May 30, 1989, Sea Robin Pipeline Company (Sea Robin) submitted for filing a revised tariff sheet and certain workpapers with narrative descriptions in response to the Commission's April 28, 1989 Order in this proceeding. The revised tariff sheet tendered for filing is part of Sea Robin's Original Volume No. 1 of its FERC Gas Tariff.

To Be Effective April 1, 1989:

Substitute Original Sheet No. 4-D

Sea Robin states that certain workpapers and supporting narrative descriptions are being submitted under seal and subject to § 381.112 of the Commission's Regulations. On May 8, 1989, Sea Robin states that it filed for a Protective Order in this proceeding, but at the time of this filing, Sea Robin is not aware whether a Protective Order has been issued in Docket No. RP89-141. Once issued, Sea Robin will make this information available to all eligible parties who have executed a non-disclosure certificate pursuant to the Protective Order.

Sea Robin states that the remaining workpapers and supporting narrative descriptions will be available for review by appointment in Sea Robin's Houston, Texas or Washington, DC offices.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426, in such accordance with §§ 285.214 and 385.211 of the Commission's regulations. All such motions of protest should be filed on or before June 14, 1989.

Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-14020 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-119-003]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 7, 1989.

Take notice that on June 1, 1989, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 2

Second Revised Sheet No. 484

Sixth Revised Sheet No. 558

Fourth Revised Sheet No. 591

Third Revised Sheet No. 1085

Texas Gas states that these tariff sheets were omitted from its filing made in the above-referenced docket on March 30, 1989.

Copies of the revised tariff sheets are being mailed to Texas Gas's its sales and transportation customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-14023 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-29-000]

**Transcontinental Gas Pipe Line Corp.;
Proposed Changes in FERC Gas Tariff**

June 7, 1989.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on June 2, 1989, the following tariff sheets to its FERC Gas Tariff Second Revised Volume No. 1. Such sheets are proposed to be effective August 1, 1989.

Fifty-Ninth Revised Sheet No. 12
Fifty-Sixth Revised Sheet No. 15
Fourteenth Revised Sheet No. 15-A

Transco states these sheets reflect an overall rate increase as compared to the currently effective rates of 138.8¢ per dt in the commodity charge under the CD, G, OG, PS, E, ACQ and S-2 Rate Schedules.

Transco states that the increase of 138.9¢ per dt is comprised of (i) a 100.9¢ per dt increase related to the current gas portion of commodity rates, (ii) a 24.0¢ per dt increase in the Surcharge Adjustment, and (iii) a 14.0¢ per dt increase in the Special Transition Gas Cost Surcharge.

Transco states that the instant PGA filing reflects a projected average cost of purchased gas of 378.12¢/dt for the quarterly period August through October 1989. System Sales are projected to be approximately 335 MDT per day based on Transco's status as an open access pipeline.

Transco further states that it has filed the necessary schedules in order to comply with § 154.305 and FERC Form 542. Transco has also filed a 9-track magnetic tape as required by FERC Form 542.

Transco states that copies of the instant filing are being mailed to its jurisdictional customers, and interested State Commissions. In accordance with the provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 89-14031 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-163-001]

**Transcontinental Gas Pipe Line Corp.;
Proposed Changes in FERC Gas Tariff**

June 7, 1989.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on June 2, 1989, the following tariff sheets to its FERC Gas Tariff Second Revised Volume No. 1. Such tariff sheets are proposed to be effective June 1, 1989.

Substitute Fifty-Eighth Revised Sheet
No. 12
Substitute Fifty-Fifth Revised Sheet No.
15

Transco states that this filing incorporates its currently effective commodity cost of gas and fuel into the rates which became effective June 1, 1989 pursuant to the Commission's order issued May 31, 1989 in Docket Nos. RP89-163-000, *et al.*

Transco states that copies of the instant filing are being mailed to those customers, State Commissions, and interested parties which received copies of Transco's May 1, 1989 filing in Docket No. RP89-163-000. In accordance with the provision of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 89-14032 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-3-11-000]

**United Gas Pipe Line Co.; Filing of
Revised Tariff Sheets**

June 7, 1989.

Take notice that on May 31, 1989, United Gas Pipe Line Company (United) tendered for filing to its FERC Gas Tariff First Revised Volume No. 1, the following tariff sheets:

To Be Effective July 1, 1989

Eighty-Sixth Revised Sheet No. 4
Fifth Revised Sheet No. 4.1
Fifth Revised Sheet No. 4-G

United states that these tariff sheets are filed pursuant to §§ 154.304 and 154.308 of the Commission's regulations to reflect the changes in the purchased gas cost adjustment provisions contained in Section 19 of United's FERC Gas Tariff, First Revised Volume No. 1.

United states that these tariff sheets reflect a Current Adjustment to the commodity gas rate of \$(.0860) per Mcf a Cumulative Adjustment to the commodity gas rate of \$(.2016) per Mcf and a surcharge adjustment of \$.1264 per Mcf. This filing proposes an increase to the gas cost component of United's current effective commodity rates of \$.0540 per Mcf when compared to the gas cost component of rates currently in effect pursuant to TQ89-2-11-000.

United states that the revised tariff sheets and supporting data are being mailed to its jurisdictional sales customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, in such accordance with Sections 385.214 and 385.211 of the Commission's regulations. All such motions of protest should be filed on or before June 14, 1989.

Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-14028 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-43-003]

Williams Natural Gas Co. Proposed Changes in FERC Gas Tariff

June 7, 1989.

Take notice that Williams Natural Gas Company (WNG) on May 30, 1988, tendered for filing Revised Eleventh Sheet No. 6 to its EFRC Gas Tariff, Original Volume No. 1. The proposed effective date of this tariff sheet is May 1, 1989.

WNG states that the above mentioned tariff sheet is being filed in compliance with Ordering Paragraph (B) of the Commission's Order issued April 27, 1989 in this Docket. WNG is also filing a separate binder for additional supplemental information required by Ordering Paragraph (C) of the order.

Revised Eleventh Sheet No. 6 reflects increased rates which reflect:

(1) A \$.0033 per Mcf increase in the Cumulative Adjustment due to an increase in WNG's projected gas purchase costs. This Adjustment is unchanged from that previously proposed in the March 1, 1989 filing.

(2) A \$.4350 per Mcf increase in the Surcharge Adjustment (to a positive \$.2991 per Mcf from a negative \$.1359 per Mcf) to amortize the Deferred Purchased Gas Cost Subaccount Balance. This decrease in the Surcharge Adjustment from that previously proposed in the March 1, 1989 filing is the result of deleting the \$18.7 million of pricing disputes from this filing.

WNG states that certain information concerning its gas purchase contracts is privileged and confidential and has been deleted from public copies and that public copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington DC 20426, in accordance with §§ 385.211, 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests should be filed on or before June 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Persons that are already parties to this

proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-14024 Filed 6-12-89; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3601-4]

Availability of Report; Municipal Solid Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability.

SUMMARY: The U.S. Environmental Protection Agency (EPA) today announces public availability of a document entitled, "Characterization of Products Containing Lead and Cadmium in Municipal Solid Waste in the United States, 1970 to 2000." This report characterizes the products contributing 1 percent or more of the lead and cadmium disposed in municipal solid waste over the time period 1970 to 1986, with projections to the year 2000. The Agency intends to use this document to further activities in the reduction of sources of toxicity in municipal solid waste.

ADDRESSES: The report is available for review at all EPA libraries and in the EPA RCRA docket, room 2427, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, from 9:30 am to 3:30 pm, Monday through Friday, except Federal holidays; telephone (202) 475-9327. The RCRA docket identification number for the report is F-89-CLCA-FFFFF.

The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost 15 cents per page. This document is also available through the National Technical Information Service (NTIS), 5258 Port Royal Road, Springfield, Virginia 22161, telephone (703) 487-4650. The complete report is available by Order No. PB89-151039, cost \$28.95 or \$6.95 on microfiche.

FOR FURTHER INFORMATION CONTACT:

For general information, or free copies of the Executive Summary of the report, call the RCRA Hotline at (202) 382-3000 or toll free at (800) 424-9346 outside the Washington, DC metropolitan area. For technical information on the report, contact Paul Kaldjian, Office of Solid Waste (OS-301), U.S. Environmental

Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-2349.

SUPPLEMENTARY INFORMATION: In 1979, under the authority of Section 1008(a)(3) and 4004(a) of Subtitle D of the Resource Conservation and Recovery Act (RCRA), EPA promulgated "Criteria for Classification of Solid Waste Disposal Facilities and Practices" (40 CFR Part 257). The criteria include environmental performance standards for determining which solid waste disposal facilities and practices pose a reasonable probability of adverse effects on human health and the environment. In 1984, Congress passed the Hazardous and Solid Waste Amendments (HSWA), which include major provisions regarding the solid waste regulatory program. These amendments require that EPA revise the criteria for facilities that may receive household hazardous waste or small quantity generator hazardous waste. Public concerns and landfill capacity issues also have focused EPA efforts on municipal solid waste issues.

State and local governments charged with municipal solid waste disposal are experiencing a growing shortage of landfill space in many regions of the country. As landfill capacity decreases, jurisdictions increasingly are turning to options such as recycling and municipal waste combustion (MWC) as means of reducing waste volume. Currently, there are approximately 140 combustion facilities operating in the U.S., many with resource recovery capabilities (typically steam or electricity generation).

Increased use of resource recovery (or incineration) has raised public concerns over health and environmental hazards of incineration and the disposal of the resulting ash. One concern associated with municipal waste combustion is that heavy metals lead and cadmium in particular have been found in analytical tests of the ash from these facilities. Inhalation of the ash derived from incinerator emissions and fugitive dust from handling/disposal operations as well as potential ground-water contamination from leaching of land-filled ash are major concerns expressed by the public.

As part of EPA's evaluation of MWC ash and its potential impacts, EPA commissioned this study to characterize the sources of lead and cadmium in products disposed in municipal solid waste over the time period 1970 and 1986, with projections to the year 2000. The results of this analysis are summarized in this report.

The general methodology for this study is called the materials flow methodology; it is based on a

methodology for estimating municipal solid waste that was developed at EPA in the mid-1970's and that has been used periodically for EPA reports ever since. The materials flow methodology applies to the United States as a whole; it is not tailored to any specific locality. Data series on production of the products and materials in the waste stream are used as a basis. Adjustments are then made for imports and exports of the products, for diversions away from the waste stream, for the lifetime of the products, and for materials recovery.

Application of the methodology to discard of lead and cadmium required some additional steps. Numerous assumptions were required to determine end uses of products that would enter the municipal waste stream rather than others, such as demolition wastes. Also, lead and cadmium occur in many intermediate products, such as pigments, that enter the waste stream as part of another product. All assumptions are documented.

While both lead and cadmium have been detected in analyses of ash from municipal waste combustors, discards of lead in products classified as NSW are, however, much greater than discards of cadmium. Over 100 times more lead and cadmium was discarded in 1986, and this relationship has been relatively constant since 1970.

Lead discarded in lead-acid batteries overwhelms all other sources. These batteries were the largest contributors to lead discards for all years from 1970 to 2000. Consumer electronics (primarily television sets, radios, and video cassette recorders) were the fourth largest contributors of lead in MSW in 1970, but by 1975 they were the second largest, a position they continue to hold.

Household batteries (primarily rechargeable nickel-cadmium batteries) have been the largest source of cadmium in NSW since 1980. Their growth has been rapid; they were the fifth largest source of cadmium in 1970. Plastics have ranked second only to household batteries as a source of cadmium since 1980. Cadmium is used as a stabilizer in polyvinyl chloride resin and as a pigment in a variety of resins.

As part of this study, the lead and cadmium content of the combustible and noncombustible fractions of MSW was examined. Removal of noncombustible products containing lead and cadmium before MSW is incinerated could have a significant impact on the heavy metal content of ash. Almost 98 percent of cadmium in MSW is found in noncombustibles, while 64 percent of cadmium is found in noncombustibles. If all noncombustibles were removed from the waste stream, the remaining lead

would come from plastics (71 percent) and pigments (24 percent), as would cadmium (plastics 88 percent and pigments 11 percent).

When interpreting these findings, the limitations of the study must be remembered, especially as they relate to municipal waste combustion (MWC) ash. First, in addition to MSW, other nonhazardous wastes contain lead and cadmium, and may in some instances be incinerated along with MSW. These wastes include municipal sludge, construction and demolition wastes, industrial and military wastes, and automotive and other transportation equipment wastes. Second, the MSW characterization presented in this report is on a national level, and may not represent the municipal solid waste stream for a particular community. Third, this characterization identifies the sources of lead and cadmium in municipal solid waste; it does not tell us whether these are major sources of leachable lead and cadmium in MWC ash. Finally, the identified compounds of lead and cadmium may recombine with other materials in the combustion chamber to form new compounds.

Date: May 24, 1989.

Jonathan Z. Cannon,

Acting, Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 89-14001 Filed 6-12-89; 8:45 am]

BILLING CODE 6550-50-M

[OPTS-44531; FRL-3601-6]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data on methyl tert butyl ether (CAS No. 1634-04-4), aniline (CAS No. 62-53-3), 2,6-dichloro-4-nitroaniline (CAS No. 99-30-9), and 2-chloroaniline (CAS No. 95-51-2) submitted pursuant to testing consent orders and propylene dichloride (CAS No. 78-87-5) submitted pursuant to a final test rule under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room EB-44, 401 M Street, SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to publish a notice in the Federal Register reporting

the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received. Under 40 CFR 790.60, all TSCA section 4 consent orders must contain a statement that results of testing conducted pursuant to these testing consent orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

Test data for methyl tert butyl ether was submitted by the Methyl Tertiary Butyl Ether Committee (MTBE Health Effects Testing Task Force) pursuant to a consent order at 40 CFR 799.5000. It was received by EPA on May 19, 1989. The submission describes a repeated exposure vapor inhalation study in rats for in vivo cytogenetics evaluation. Mutagenicity testing is required by this consent order.

Test data for aniline was submitted by the Synthetic Organic Chemical Manufacturers Association (SOCMA) pursuant to a consent order at 40 CFR 799.5000. It was received by EPA on May 19, 1989. The submission describes the flow through acute toxicity of aniline to the freshwater amphipod, *Gammarus fasciatus*. Acute toxicity testing with *gammarus* is required by this consent order.

Test data for 2,6-dichloro-4-nitroaniline were submitted by SOCMA pursuant to a consent order at 40 CFR 799.5000. Two studies were received by EPA on May 19, 1989. The submissions describe: (1) The static acute toxicity 2,6-dichloro-4-nitroaniline to the freshwater alga, *Selenastrum Capricornutum* and (2) the flow through acute 48-hour EC50 of 2,6-dichloro-4-nitrobenzenamine to *Daphnia magna*. Algal and daphnid acute toxicity testing are required by this consent order.

Test data for 2-chloroaniline were submitted by SOCMA pursuant to a consent order at 40 CFR 799.5000. Two studies were received by EPA on May 19, 1989. The submissions describe: (1) The flow through acute toxicity of 2-chloroaniline to freshwater amphipod, *Gammarus fasciatus* and (2) the flow through acute 96-hour LC50 of 2-chloroaniline to rainbow trout (*Salmo gairdneri*). Gammarid and rainbow trout acute toxicity testing are required by this consent order.

Test data for propylene dichloride were submitted by the DOW Chemical Company pursuant to a test rule at 40 CFR 799.1550. The submissions describe: (1) A dominant lethal study in Sprague-Dawley rats (received on May 23, 1989) and (2) an oral teratology study in Sprague-Dawley rats (received on May

24, 1989). Mutagenicity and teratology testing are required by this test rule.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to the completeness of the submissions.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPTS-44531). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Room NE-G004, 401 M Street, SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: June 1, 1989.

Gary E. Timm,

Acting Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 89-14002 Filed 6-12-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974; Proposed New System of Records

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Notice of proposed system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the FDIC is giving notice of the establishment of a new system of records, entitled Investigative Files and Records.

DATE: Comments on the establishment of the system must be submitted by August 14, 1989.

ADDRESS: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, FDIC, 550-17th Street, NW., Washington, DC 20429, or hand-delivered to Room 6099 of the same address between 9:00 a.m. and 5:00 p.m., Monday-Friday. Comments are available for public inspection.

FOR FURTHER INFORMATION CONTACT: Robert E. Feldman, Deputy Executive Secretary, FDIC, 550-17th Street, NW., Washington, DC 20429, telephone (202) 898-3811.

SUPPLEMENTARY INFORMATION: The FDIC is proposing to establish a new system of records, pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), entitled Investigative Files and Records. The system will consist of files and

records compiled by the FDIC's Office of Inspector General on FDIC employees or other persons involved with FDIC's programs or operations who have been under investigation for fraud and abuse with respect to the FDIC's programs or operations. The system is being proposed at this time because the Inspector General Act Amendments of 1988 amended the Inspector General Act of 1978 to require the FDIC, among other selected federal agencies, to establish an Office of Inspector General by April 19, 1989. The system of records being proposed herein will be essential for the FDIC's Office of Inspector General to carry out its mandate under the Inspector General Act of 1978 to undertake internal investigations where possible fraud or abuse has been detected.

The system will exempt from disclosure to the individual who is the subject of a record in the system investigatory material compiled for law enforcement purposes and investigatory material compiled solely for the purposes of determining suitability, eligibility, or qualifications for FDIC employment to the extent the disclosure of such material would reveal the identity of a source who furnished information to the FDIC under a promise of confidentiality. Those exemptions are the subject of a companion notice of proposed rulemaking that appears elsewhere in today's issue of the *Federal Register*.

Accordingly, the Board of Directors proposes the establishment of the following system of records.

FDIC 30-64-0010

SYSTEM NAME:

Investigative Files and Records.

SYSTEM LOCATION:

Office of Inspector General, FDIC, 550-17th Street, N.W., Washington, DC 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the FDIC or other persons involved in the FDIC's programs or operations who are or have been under investigation by the FDIC's Office of Inspector General in order to determine whether such employees or other persons have been or are engaging in fraud and abuse with respect to the FDIC's programs or operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains complete files on individual investigations including investigation reports and related documents generated during the course of or subsequent to the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); sec. 8E of the Inspector General Act of 1978, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information in the system may be disclosed:

(1) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order issued when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

(2) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

(3) To a congressional office in response to an inquiry made at the request of the individual to whom the records pertain.

(4) To a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary for the FDIC to obtain information concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(5) To respond to a federal agency's request made in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or issuance of a grant, license, or other benefit by the requesting agency, but only to the extent that the information disclosed is necessary and relevant to the requesting agency's decision on the matter.

(6) To other federal Offices of Inspector General for the purpose of requesting peer review of FDIC Office of Inspector General investigations, provided the record is transferred in a form that is not individually identifiable.

In addition to the foregoing, a record which is contained in this system and derived from another FDIC system of records may be disclosed as a routine use as specified in the *Federal Register*

notice of the system of records from which the records derived.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

File folders and computer discs.

RETRIEVABILITY:

Indexed by name of person under investigation, investigation number, referral number, or investigative subject matter.

SAFEGUARDS:

File folders are maintained in lockable metal file cabinets stored in offices that are locked after hours. Computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

File folders are retained as long as needed and then destroyed by shredding. Computer discs are cleared, retired, or destroyed when no longer useful.

NOTIFICATION PROCEDURE:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550-17th Street, NW., Washington, DC 20429. Individuals requesting their own records must provide their name and address and a notarized statement attesting to the individual's identity.

RECORDS ACCESS PROCEDURE:

Same as "Notification" above.

CONTESTING RECORD PROCEDURE:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Subject individuals, employees of the FDIC, other government employees, and witnesses and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to § 310.13(a) of the FDIC's rules and regulations, investigatory material compiled as part of this system for law enforcement purposes is exempted from the provisions of §§ 310.3 through 310.9 and § 310.10(d)(2) of the FDIC's rules and regulations and may be withheld from disclosure to the extent that such withholding is permissible under any of the exemptive provisions of the Freedom of Information Act (5 U.S.C. 552). Pursuant to § 310.13(b) of the FDIC's rules and regulations, investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for FDIC employment is exempted from the provisions of

§§ 310.3 through 310.9 and § 310.10(d)(2) of the FDIC's rules and regulations and may be withheld from disclosure to the extent that disclosure of such material would reveal the identity of a source who furnished information to the FDIC under a promise of confidentiality and to the extent that such withholding is permissible under any of the exemptive provisions of the Freedom of Information Act.

By direction of the Board of Directors.

Dated at Washington, DC, this 6th day of June, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 89-13948 Filed 6-12-89; 8:45 am]

BILLING CODE 6714-01-M

Privacy Act of 1974; Amendment to Existing System of Records

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Notice of amendment to a system of records—"Unofficial Personnel System."

SUMMARY: The FDIC is issuing for public comment a revision of its existing "Unofficial Personnel System" in order to reflect the inclusion of records related to the FDIC Savings Plan.

DATES: Comments must be submitted by August 14, 1989. The amendments will become effective on or before August 28, 1989 unless a superseding notice to the contrary is published before that date.

ADDRESS: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550-17th Street NW., Washington, DC 20429, or hand-delivered to Room 6099 at the same address, Monday through Friday, between the hours of 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Catherine Lundblad, Staff Specialist to the Deputy Director, Office of Personnel Management, FDIC, 550-17th Street, NW., Washington, DC 20429, (202) 898-8857, or M. Jane Williamson, Assistant Executive Secretary, FDIC, 550-17th Street NW., Washington, DC 20429, (202) 898-3713.

SUPPLEMENTARY INFORMATION: The FDIC's system of records entitled "Unofficial Personnel System" is being revised to reflect the inclusion of records pertaining to the FDIC Savings Plan as a new category of records covered by the system. Routine uses have been expanded to include the release of information to various agencies and firms such as the Department of Agriculture's National

Finance Center, which handles the FDIC's payroll/personnel processing, and T. Rowe Price, which invests the funds on behalf of the FDIC Savings Plan. Retrieval of FDIC Savings Plan records generally is by name and social security number. In some cases, however, where the tax code requires that minimum distributions be made to individuals of a certain age, retrieval may be by date of birth. Record source categories have also been expanded to reflect the inclusion of agency pay and leave records for information on the FDIC Savings Plan.

Accordingly, the Board of Directors of the FDIC proposes to revise the Unofficial Personnel System to read as follows:

FDIC 30-64-0015

System name: Unofficial Personnel System.

System location: Office of Personnel Management, FDIC, 550-17th Street, NW., Washington, DC 20429. In addition, records are maintained at the division or office levels in the FDIC Washington office, at the FDIC regional offices, and may be maintained at FDIC field offices. A list of the FDIC's regional offices is available from the Corporate Communications Office, FDIC, 550-17th Street NW., Washington, DC 20429. A list of the field offices may be obtained from the Director, Division of Bank Supervision, FDIC, 550-17th Street NW., Washington, DC 20429 in the case of supervision field offices, and the Operations Branch of Division of Liquidation, FDIC, 550-17th Street NW., Washington, DC 20429 in the case of liquidation field offices.

Categories of individuals covered by the system: All current and former FDIC employees and applicants to and graduates of the FDIC upward mobility program.

Categories of records in the system: This system consists of personnel-related records that are maintained in addition to those kept in the official personnel folder pursuant to the Federal Personnel Manual Suppl. 296-31, table 8, sec. 1. (The United States Office of Personnel Management has Privacy Act responsibility for those systems of records which are government-wide in nature, and it requires agencies to maintain them. Included among these is the Official Personnel Folder. While OPM has designated the FDIC as being responsible for disclosing to its current employees the contents of their Official Personnel Folder, notice of the existence and character of this system is published by the United States Office of Personnel Management as "General

Personnel Records," OPM/GOVT-1.) This system contains records of various types. They are: (1) Records maintained in the Washington, regional, and field offices which may contain information on individuals relating to: birth date; social security number; past and present salaries, grades, and position titles; home address and telephone number, emergency contacts, addresses and telephone numbers; employment and education experience, original applications, resumes, and letters of reference; record of equipment and material issued to the individual; record of leave and time-and-attendance; performance appraisals; written notes or memoranda on employee performance; counseling; employee assignments; lists of banks examined; records relating to on-the-job training; data documenting reasons for personnel actions, decisions, or recommendations made about an employee; disciplinary and adverse action backup material; claims for benefits under the Civil Service Retirement System; Federal Employees' Group Life Insurance; FDIC Employees' Group Life Insurance; documents related to on-the-job injuries; (2) parking permit records containing information (name, address, and type of automobile) about FDIC employees who have applied for (or are members of the applicants' carpool) a parking permit in the FDIC's Washington office garage; (3) FDIC personnel awards including information supporting the employee's nomination for one of these awards; (4) dental insurance records including information on earnings, number and name of dependents, sex, birth date, home address, and social security number; (5) employee locator records containing the employee's name, social security number, division or office assignment, office telephone number and office room number; (6) upward mobility program files coordinated by the FDIC Office of Personnel Management; and (7) FDIC Savings Plan records containing the employee's name, social security number, grade, salary, home address, date of birth, record of employee contributions and FDIC contributions, account earnings and balance, participant designated beneficiaries, date of participation, indication as to whether a participant's interest is vested, allocation of contributions to investment funds, documentation for reason of hardship withdrawal and amount of withdrawal request (including documents evidencing purchase of primary residence, proposals to evict from, or foreclose on the mortgage of, a participant's primary residence, educational expenses, medical

expenses, and other acceptable financial hardship), documentation to support participation in the FDIC Savings Plan Loan Program, and personal financial statement.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); For category (6), sec. 717 of the Equal Employment Opportunity Act (42 U.S.C. 2000e-16).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: With regard to category (1) above, the records are primarily maintained to be used by the employee's supervisor for preparation of general personnel action; however, in the case of categories (1), (2), (3), (6), and (7), disclosures may be made, where relevant:

(a) To financial and credit institutions for loan and credit reference purposes (solely to verify the employee's employment with the FDIC, date of employment, and pay grade);

(b) To the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel; the Federal Labor Relations Authority, an arbitrator, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdiction;

(c) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal proceedings;

(d) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(e) To State authorities regarding reasons for a former employee's separation from FDIC service, where the inquiry is made pursuant to the former employee's application for unemployment compensation;

(f) To Federal and State regulatory agencies, for reasons related to FDIC business, as to the temporary work location of FDIC bank examiners.

Disclosure may be made, in the case of category (4) above, to the dental insurance carrier in support of a claim for dental insurance benefits. In category (5) above, except for the employee's Social Security Number, all information in the record is available to the public. In category (6) above, disclosure may be made to appropriate

FDIC managers, supervisors and Office of Personnel Management individuals who are involved in the assessment, evaluation and selection of an applicant for upward mobility training and/or in the monitoring and evaluation of the upward mobility participant during the training period. In categories (1), (2), and (4) above, disclosure may be made by the FDIC Office of Inspector General to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations. In category (7) above, disclosure may be made, where relevant:

(a) To Federal, State, and local government tax enforcement agencies, upon request, so that they may enforce applicable tax laws;

(b) To annuity vendors so that these firms may provide retired employees with an annuity;

(c) To financial institutions that are qualified pension plan sponsors for purposes of transfer to an individual retirement account or to transfer into another qualified pension plan;

(d) To the Department of Agriculture's National Finance Center to assure correct amounts are deducted from an employee's salary;

(e) To beneficiaries so that they may exercise their entitlement rights;

(f) To audit firms so that they may perform audits;

(g) To T. Rowe Price so that they may carry out their functions as investors of the FDIC Savings Plan funds;

(h) To any person legally responsible for the care of an individual to whom a record pertains and who has been found legally incompetent or under other legal disability, to assure payment of entitled benefits;

(i) To the Department of Health and Human Services, upon its request, of the present address of an employee, former employee, or beneficiary for the purpose of enforcing child support obligations against such individual;

(j) To the appropriate Federal, State, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

Disclosures to consumer reporting agencies: Disclosures may be made from this system, pursuant to 5 U.S.C. 552a(b)(12) to "consumer reporting

agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)(1)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on index cards and in file folders. Category (5) is maintained on computer discs, categories (6) and (7) in file folders.

Retrievability: Retrieved by name or in category (7) by date of birth or social security number.

Safeguards: Maintained in lockable metal file cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal: Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the division or office which compiled and maintained the information. Parking permit records are kept for one year and then destroyed. Records of unsuccessful upward mobility candidates are retained for four years after submission; records of successful applicants are maintained until two years after leaving the employ of the FDIC. Records of the FDIC Savings Plan are kept indefinitely.

System manager(s) and address: Director, Office of Personnel Management, FDIC, 550-17th Street, NW., Washington, DC 20429, for Corporation level records. For FDIC division or office levels, the head of the appropriate division or office; for FDIC regional offices, the regional director; for FDIC field offices, the field office supervisor. For Parking Permit Records and Employee Locator Record, the Director, Division of Accounting and Corporate Services, FDIC, 550-17th Street, NW., Washington, DC 20429. For the upward mobility program and the FDIC Savings Plan, Director, Office of Personnel Management, FDIC, 550-17th Street, NW., Washington, DC 20429.

Notification procedure: Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550-17th Street, NW., Washington, DC 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Individuals to whom the records pertain; their immediate supervisors or persons at other supervisory levels; other fellow employees. For upward mobility, record source categories would include educational institutions which the applicant has attended. For the FDIC Savings Plan, record source categories

would include agency pay and leave records.

Systems exempted from certain provisions of the act: None.

By direction of the Board of Directors.
Dated at Washington, D.C., this 6th day of June 1989.

Federal Deposit Insurance Corporation,
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 89-13984 Filed 6-12-89; 8:45 am]
BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-826-DR]

Alaska; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Alaska (FEMA-826-DR), dated May 10, 1989, and related determination.

DATED: June 2, 1989.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Alaska, dated May 10, 1989, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 10, 1989: The communities of Akhiok, Tetlin, Slana, Whale Pass, Thorne Bay, Lime Village, Takotna, Nicolai, Telida, Birch Creek, and Hyder for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

George H. Orrell,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 89-13995 Filed 6-12-89; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal

Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-010776-047.

Title: Asia North America Eastbound Rate Agreement.

Parties:

American President Lines, Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Liner Systems, Ltd.
Nippon Yusen Kaisha Line
Sea-Land Service, Inc.

Synopsis: The proposed modification would provide that the parties by unanimous consent, may hold a meeting, including without limitation, a telex, telephone or other electronic meeting, on less than two working days' notice.

Agreement No.: 203-011237-001.

Title: Agreement 1237.

Parties:

Atlantic Container Line BV
Hapag Lloyd AG
P & O Containers (TFL) Limited
A.P. Moller-Maersk Line
Gulf Container Line (GCL), BV
Sea-Land Service, Inc.
Compagnie Generale Maritime (CGM)
Nedlloyd Lijnen BV

Synopsis: The proposed modification would enlarge the geographic scope of the Agreement to cover shipments of cargo from North Europe to and via U.S. West Coast and Gulf of Mexico ports in addition to and via U.S. Atlantic Coast ports. It would also add Incotrans BV as a party to the Agreement.

Agreement No.: 202-011241.

Title: USA-North Europe Rate Agreement.

Parties:

Atlantic Container Line BV
P & O Containers (TFL) Limited
Sea-Land Service, Inc.
Compagnie Generale Maritime (CGM)
Incotrans BV
Gulf Container Line (GCL), BV
Hapag Lloyd AG
Nedlloyd Lijnen BV
A.P. Moller-Maersk Line.

Synopsis: The proposed Agreement would authorize the parties to establish

a conference in the eastbound trade from the United States to North Europe.

Agreement No.: 202-011242.
Title: North Europe-USA Rate Agreement.

Parties:

Atlantic Container Line BV
P & O Containers (TFL) Limited
Sea-Land Service, Inc.
Compagnie Generale Maritime (CGM)
Gulf Container Line (GCL), BV
Hapag Lloyd AG
Nedlloyd Lijnen BV
Incotrans BV.

Synopsis: The proposed Agreement would authorize the parties to establish a conference in the westbound trade from North Europe to the United States.

Agreement No.: 206-011243.
Title: Trans-Atlantic Carrier Association.

Parties:

North Europe-USA Rate Agreement
USA-North Europe Rate Agreement.

Synopsis: The proposed Agreement would permit the parties to establish an interconference arrangement and would permit them to meet, discuss, consult, cooperate, agree upon and take joint or individual action with regard to matters of mutual interest concerning their respective rate agreements.

By Order of the Federal Maritime Commission.

Joseph C. Polking,
Secretary.

Dated: June 7, 1989.

[FR Doc. 89-13909 Filed 6-12-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-003695-005.
Title: Port Everglades Authority Terminal Agreement.

Parties:

Port Everglades Authority (Authority)
Sea-Land Service, Inc. (Sea-Land)

Synopsis: The Agreement deletes and restates paragraph 6, 12, 12A, and 13 of the Amended Agreement No. 224-003695 to provide for: (1) Sea-Land to have preferential rights to a berth and any 2 cranes at the assigned berth for 3 vessels each week on a scheduled basis, provided Sea-Land provides appropriate notice; (2) a schedule of wharfage charges based on tonnage levels for a period beginning January 1, 1990; and (3) new crane rental charges and crane rental discounts.

Agreement No.: 224-200254.
Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority (Authority)
Columbus Line

Synopsis: The Agreement provides for the one-year lease of container parking slots to be used for the storage and handling of containers, including trailers and chassis used to transport containers, to be loaded on or discharged from ocean-going vessels calling at the Authority's Garden City Terminal, Savannah, Georgia. The Agreement provides for tonnage incentive wharfage rates and provides a renewal option to convert the lease to a three-year Agreement.

By Order of the Federal Maritime Commission.

Joseph C. Polking,
Secretary.

Dated: June 7, 1989.

[FR Doc. 89-13910 Filed 6-12-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Thursday, June 22. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The meeting is expected to begin at 9:00 a.m. and to continue until 5:00 p.m. with a lunch break from 1:00 until 2:00 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, DC.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other

matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

1. *Community Reinvestment Issues.* Discussion led by the Community Affairs Committee on options related to community reinvestment, and views of individual Council members on issues related to the Community Reinvestment Act.

2. *Community Development Credit Unions.* Discussion led by the Community Affairs Committee on the development of alternative institutions in low-income neighborhoods to provide basic banking services and community reinvestment.

3. *Development Lending Principles and Practices.* Discussion of a Federal Reserve-private sector undertaking to develop and publish a handbook on community development lending.

4. *The Use of Credit Cards in Telemarketing Operations.* Discussion led by the Consumer Credit Committee on problems related to the use of credit cards in telemarketing programs.

5. *Members Forum.* Views of individual Council members regarding (1) the state of community development lending in their communities, and (2) trends in consumer use of financial services.

6. *Committee Reports.* Progress reports from Council committees on their work for the year.

Other matters previously considered by the Council or initiated by Council members may also be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ann Marie Bray, Secretary, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551. Comments must be received no later than close of business Friday, June 16, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Bedelia Calhoun, Staff Specialist, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452-2412. Telecommunications Device for the Deaf (TDD) users may contact Earnestine Hill or Dorothea Thompson, (202) 452-3544.

Board of Governors of the Federal Reserve System, June 7, 1989.

William W. Wiles,

Secretary of the Board.

[FR Doc. 89-13956 Filed 6-12-89; 8:45 am]

BILLING CODE 6210-01-M

Canadian Imperial Bank of Commerce Toronto, Canada; Proposal To Underwrite and Deal in Debt and Equity Securities to a Limited Extent

Canadian Imperial Bank of Commerce, Toronto, Canada ("CIBC"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a), of the Board's Regulation Y (12 CFR 225.23(a)), for permission for its indirect subsidiary, Wood Gundy Corp., New York, New York ("Company"), to underwrite and deal in all types of debt and equity securities to a limited extent.

Company is currently authorized to: (1) Provide brokerage and investment advisory services to institutional customers and Company's affiliates; (2) provide advice in connection with financial transactions; (3) provide financial advice to the Canadian federal, provincial and municipal governments and their agents, such as with respect to the issuance of their securities in the United States; (4) provide discount brokerage services; (5) provide portfolio investment advice and research and furnish general economic information and advice; and (6) underwrite and deal in securities eligible to be underwritten and dealt in by U. S. member banks, 74 Federal Reserve Bulletin 571 (1988).

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Board has previously determined that underwriting and dealing in debt and equity securities that are not eligible to be underwritten and dealt in by member banks ("ineligible securities") are closely related and proper incidents to banking, subject to certain conditions. J.P. Morgan & Co. Incorporated, The Chase Manhattan Corporation, Bankers Trust New York Corporation, Citicorp and Security Pacific Corporation, 75 Federal Reserve Bulletin 192 (1989) ("Morgan Order").

CIBC has proposed to underwrite and deal in ineligible debt and equity securities under limitations that differ from those approved by the Board in its Morgan Order. Generally, CIBC

proposes that the framework of limitations established by the Board in the Morgan Order should not apply to its operations outside the United States. For example, under the terms of its proposal, CIBC, which is a foreign bank as well as a bank holding company, and its foreign offices and subsidiaries would be permitted to lend to and in support of Company. CIBC does not propose that any U.S. bank, branch or agency affiliate would lend or otherwise provide support to Company. CIBC has also made other commitments as alternatives to those approved in the Morgan Order.

CIBC has also requested additional authority for Company: (1) To underwrite and deal in ineligible debt and equity securities in amounts generating up to 10 percent of Company's gross revenues; (2) to underwrite and deal in equity securities immediately without regard to the one-year waiting period established by the Board in the Morgan Order; and (3) to underwrite and deal in securities representing interests in, or secured by, obligations originated or sponsored by its affiliates if such security is rated by a nationally-recognized rating agency or is issued or guaranteed by a U.S. government agency or a U.S. Government-sponsored agency. CIBC's commitments and application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

In publishing the proposal for comment, the Board does not take any position on issues raised by the proposal. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets or is likely to meet the standards of the BHC Act or the Glass-Steagall Act.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than July 10, 1989. Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Board of Governors of the Federal Reserve System, June 7, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-13957 Filed 6-12-89; 8:45 am]

BILLING CODE 6210-01-M

Dresdner Bank AG; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated and at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 30, 1989.

A. Federal Reserve Bank of New York
(William L. Rutledge, Vice President) 33
Liberty Street, New York, New York
10045:

1. *Dresdner Bank AG*, Frankfurt/Main 11, Federal Republic of Germany; to acquire a joint venture interest in *Oechsle International Advisors, L.P.*, Boston, Massachusetts, and thereby to engage in investment advisory activities

pursuant to § 225.25(b)(4) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 7, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-13958 Filed 6-12-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89F-0176]

American Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of disodium 4-isodecyl sulfosuccinate for use as a component of adhesives and as an emulsifier in the production of food-contact polymers.

FOR FURTHER INFORMATION CONTACT:

Mary W. Lipien, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B4122) has been filed by American Cyanamid Co., One Cyanamid Plaza, Wayne, NJ 07470. The petition proposes to amend § 175.105 *Adhesives* (21 CFR 175.105) and § 178.3400 *Emulsifiers and/or surface-active agents* (21 CFR 178.3400) of the food additive regulations to provide for the safe use of disodium 4-isodecyl sulfosuccinate for use as a component of adhesives and as an emulsifier in the production of food-contact polymers.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Dated: June 2, 1989.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-13970 Filed 6-12-89; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, et al; Reestablishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), and section 402(b)(6) of the Public Health Service Act, (42 U.S.C. 282(b)(6)) as amended, the Director, NIH, announces the reestablishment, effective June 30, 1989, of the following committees:

Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee
Blood Diseases and Resources Advisory Committee

Cardiology Advisory Committee
Clinical Applications and Prevention Advisory Committee
Pulmonary Diseases Advisory Committee

Unless renewed by appropriate action, these committees will terminate on June 30, 1991.

Dated: June 2, 1989.

Joseph E. Rall,

Acting Director, NIH.

[FR Doc. 89-13913 Filed 6-12-89; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Diabetes and Digestive and Kidney Diseases, National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the National Diabetes Advisory Board's meeting date which will be July 17, 1989. The meeting will begin at 8:30 a.m. and end at approximately 4:30 p.m. The Board will meet at the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, Virginia 22032. The purpose of the meeting is to discuss the Board's activities and to continue evaluation of the implementation of the long-range plan to combat diabetes mellitus. Although the entire meeting will be open to the public, attendance will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

For any further information, please contact Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, 1801 Rockville Pike, Suite 500, Rockville, Maryland 20852, (301) 496-6045. His office will provide,

for example, a membership roster of the Board and an agenda and summaries of the actual meetings.

Dated: June 6, 1989.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 89-13914 Filed 6-12-89; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Delaware Water Gap National Recreation Area Citizens Advisory Commission; Establishment

This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). Following consultation with the General Services Administration, notice is hereby given that the Delaware Water Gap National Recreation Area Citizens Advisory Commission is established. The purpose of the Commission is to advise the Secretary of the Interior on matters pertaining to the management and operation of the Delaware Water Gap National Recreation Area, as well as on other matters affecting the recreation area and its surrounding communities.

Further information regarding the Commission may be obtained from the Regional Director, Mid-Atlantic Region, National Park Service, Philadelphia, Pennsylvania 19106.

The certification of establishment is published below.

Certification

I hereby certify that the Delaware Water Gap National Recreation Area Citizens Advisory Commission is in the public interest in connection with the performance of duties imposed on the Department of the Interior by 16 U.S.C., et seq., and 16 U.S.C. Sec. 431, et seq.

Date: May 1, 1989.

Manuel Luijan,

Secretary of the Interior.

[FR Doc. 89-13989 Filed 6-12-89; 8:45 am]

BILLING CODE 4310-70-M

Fish and Wildlife Service

Klamath River Basin Fisheries Task Force; Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath River Basin Fisheries Task Force established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss et seq.). The meetings are open to the public.

DATES: The Klamath River Basin Fisheries Task Force will meet from 8 a.m. to 5:00 p.m., Thursday, June 29, 1989.

ADDRESS: The meeting will be held at the Bureau of Indian Affairs Office, 2045 Salmon Avenue (directly behind the Post Office) Klamath, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, 1312 Fairlane Road, Yreka, California 96097, telephone (916) 842-5763.

SUPPLEMENTARY INFORMATION: For background information on the Task Force, please refer to the notice of their initial meeting that appeared in the *Federal Register* on July 8, 1987 (52 FR 25639).

The Task Force will hear a report on progress of projects being funded in the current fiscal year (Fiscal Year 1989), and a report on harvest management actions affecting anadromous fish stocks in the Klamath River Basin in 1989.

The Task Force will hear a report from technical staff on projects proposed for funding in Fiscal Year 1990, and will identify a set of projects to be recommended to the Fish and Wildlife Service and the California Department of Fish and Game for funding.

Dated: June 1, 1989.

Marvin L. Plenert,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 89-13964 Filed 6-12-89; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[NV-930-09-4212-14; N-42538]

Battle Mountain District; Shoshone-Eureka Resource Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty Action; Noncompetitive Sale of Federal Lands in Lander County, Nevada.

SUMMARY: The following land has been found suitable for direct sale under sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than the appraised fair market value. The

land will not be offered for sale until at least 60 days after the date of this Notice.

Mount Diablo Meridian

T. 17 N., R. 42 E.,

Sec. 18, Lot 1, NE¼NW¼.

A parcel of land containing 79.06 acres, more or less.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this Notice, whichever occurs first.

Robert L. Foster has asked to buy this land to augment his farming operation in Reese River Valley, Nevada. The sale is consistent with the Shoshone-Eureka Resource Management Plan. No conflicts with State or local land use plans have been identified. The subject lands are within the San Juan grazing allotment and grazing permittees will be sent the required two-year grazing notices prior to sale.

It has been determined that the subject parcel contains no known mineral values; therefore, mineral interests may be conveyed simultaneously. Acceptance of the sale offer will constitute an application for conveyance of those mineral interests. A nonrefundable fee of \$50 will be required from purchaser for purchase of the mineral interests.

The patent, when issued, will be subject to all valid existing rights and will contain the following reservation to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, in accordance with the Act of August 30, 1890 (26 Stat. 391; U.S.C. 945).

For a period of 45 days from the date of publication of this notice in the *Federal Register*, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1420, Battle Mountain, Nevada 89820. Objections will be reviewed by the State Director who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Date Signed: June 1, 1989.

Thomas H. Jury,

Acting District Manager.

[FR Doc. 89-13965 Filed 6-12-89; 8:45 am]

BILLING CODE 4310-HC-M

[ID-942-09-4730-12]

Idaho; Filing of Plats of Survey

The plat of survey of the following described land, was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 10:00 a.m., June 1, 1989.

The supplemental plat representing the revised lottings in section 26, T. 48 N., R. 4E., Boise Meridian, Idaho, was accepted May 25, 1989. This supplemental plat was prepared to meet certain administrative needs of this Bureau.

All inquiries about this land should be sent to the Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

June 1, 1989.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 89-13966 Filed 6-12-89; 8:45am]

BILLING CODE 4310-GG-M

[NV-930-09-4212-22]

Filing of Plats of Survey; Nevada

June 5, 1989.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of Plats of Survey in Nevada.

EFFECTIVE DATE: Filings were effective at 10:00 a.m. on May 26, 1989.

FOR FURTHER INFORMATION CONTACT: Lacel Bland, Chief, Branch of Cadastral Survey, Bureau of Land Management, (BLM), Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, 702-328-6341.

SUPPLEMENTARY INFORMATION: The Plats of Survey of lands described below were officially filed at the Nevada State Office, Reno, Nevada on the date indicated.

Mount Diablo Meridian, Nevada

T. 31 N., R. 55 E.—Dependent Resurvey

T. 30 N., R. 56 E.—Dependent Resurvey

Both surveys were accepted on May 17, 1989. The surveys were executed to meet certain administrative needs of the Bureau of Land Management.

Both of the above-listed plats are now the basic record for describing the lands for all authorized purposes. The plats will be placed in the open files in the BLM Nevada State Office and will be available to the public as a matter of

information. Copies of the plats and related field notes may be furnished to the public upon payment of the appropriate fee.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 89-14039 Filed 6-12-89; 8:45 am]

BILLING CODE 4310-HC-M

[NV-943-09-4220-10; N-50507, N-50566]

Proposed Withdrawal and Opportunity for Public Meeting

June 5, 1989.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) proposes to withdraw 10 acres of public land in Eureka County and 5 acres of public land in Nye County to protect two proposed BLM administrative sites. This notice closes the land for up to 2 years from surface entry and mining. The land will remain open to mineral leasing.

DATE: Comments and requests for a public meeting must be received by September 11, 1989.

ADDRESS: Comments and meeting requests should be sent to the Nevada State Director, BLM, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, BLM Nevada State Office (702) 328-6326.

SUPPLEMENTARY INFORMATION: On May 26, 1989, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Mount Diablo Meridian

T. 2 N., R. 42 E.,

Sec. 1, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;

T. 19 N., R. 53 E.,

Sec. 11, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described aggregates 10 acres in Eureka County and 5 acres in Nye County.

The purpose of the proposed withdrawal is to protect two proposed BLM administrative sites.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **FEDERAL REGISTER** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice in the **FEDERAL REGISTER**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are leases, licenses, permits, and rights-of-way.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 89-14040 Filed 6-12-89; 8:45 am]

BILLING CODE 4310-HC-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 3, 1989. Pursuant to § 6013 of 36 CFR Part 60 written comments concerning the significance of these properties under National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by June 28, 1989.

Carol D. Shull,

Chief of Registration, National Register.

INDIANA

Clark County

French, Henry, House, 217 E. High St., Jeffersonville, 89000772

Delaware County

Kimbrough, Emily, Historic District (Boundary Increase), Roughly E. Gilbert, Beacon St., E. Charles St., Madison St., Muncie, 89000779

Fountain County

Hesler, Clinton F., Farm, Co. Rd. 450 S. between 200 E. and 300 E., Veedersburg vicinity, 89000770

Johnson County

Franklin Commercial Historic District, Roughly E. & W. Court St., Jefferson, Monroe, Main, Franklin, 89000773

Marion County

New Augusta Historic District, Roughly E. 71st St., E. 74th St., Coffman Rd., New Augusta Rd., Indianapolis, 89000780

Orange County

Braxton, Thomas Newby, House, 210 N. Gospel St., Paoli, 89000777

Owen County

Beem, David Enoch, House, 635 W. Hillside Ave., Spencer, 89000771

Rush County

Reeves, Jabez, Farmstead, Co. Rd. 900 N., Rushville vicinity, 89000776

MARYLAND

Prince George's County

Cottage, The, 11904 Old Marlboro Pk., Upper Marlboro vicinity, 89000769

MICHIGAN

Lenawee County

Adrian Engine House No. 1, 126 E. Church St., Adrian, 89000789

Oakland County

Casa del Rey Apartments, 111 Oneida Rd., Pontiac, 89000787

Ottawa County

Van Raalte, Benjamin, House, 1076 Sixteenth St., Holland, 89000790

Wayne County

St. Stanislaus Bishop and Martyr Roman Catholic Parish Complex, 5818 Dubois St., Detroit, 89000788

St. Theresa of Avila Roman Catholic Parish Complex, 8666 Quincy Ave., Detroit, 89000786

St. Thomas the Apostle Catholic Church and Rectory, 8363-8383 Townsend Ave., Detroit, 89000785

MISSISSIPPI

Adams County

Oakland, Lower Woodville Rd., Natchez vicinity, 89000781

Woodstock, Carmel Church Rd., 12 mi. SE of Natchez, Natchez vicinity, 89000782

Chickasaw County

Bynum Mound and Village Site (22CS501), Address Restricted, Houston vicinity, 89000783

Madison County

Boyd Mounds Site (22MD512), Address Restricted, Ridgeland vicinity, 89000784

Canton Courthouse Square Historic District (Boundary Increase), W. Peace St., Canton, 89000778

MONTANA**Flathead County**

Cornelius Hedges Elementary School, 827 4th Ave., East, Kalispell, 89000765

Missoula County

East Pine Street Historic District, Roughly bounded by E. Pine St., Madison St., E. Broadway, and Pattee St., Missoula, 89000768

NEW JERSEY**Bergen County**

Draw Bridge at New Bridge, Main St. and New Bridge Rd. over Hackensack River, River Edge, 89000775

Burlington County

Paul, Alice, Birthplace, 118 Hooten Rd., Mt. Laurel Township, 89000774

The following properties are also being considered for listing in the National Register:

MARYLAND**Montgomery County**

Darnall Place (Boundary Decrease), 17615 White's Ferry Rd., Poolesville 79003919

MASSACHUSETTS**Middlesex County**

Gardner, O.W., House, Winchester MRA, 5 Myrtle St., Winchester 89000791

[FR Doc. 89-13988 Filed 6-12-89; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31422]

Cagy Industries, Inc., Control Exemption, Chattooga & Chickamauga Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts CAGY Industries, Inc., (CAGY) from the prior approval requirements of 49 U.S.C. 11343, *et seq.*, to acquire control of the Chattooga & Chickamauga Railway Company (C&C). CAGY currently controls Columbus & Greenville Railway Company (C&G), which has granted C&C trackage rights over its line between milepost 4, at Davis, and milepost 6, at Waters, in Lowndes County, MS. The reporting requirements of 49 CFR 1105.7 are waived. The exemption is subject to employee protective conditions.

DATES: This exemption is effective on July 14, 1989. Petitions for stay must be filed by June 23, 1989. Petitions for reconsideration must be filed by July 3, 1989.

ADDRESSES: Send pleadings referring to Finance Docket No. 31422 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.
- (2) Petitioner's representative: Lester A. Sittler, 137 Main Street, P.O. Box 128, Cooperstown, NY 13326.

FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721.]

Decided: May 24, 1989

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley, and Phillips.

Kathleen M. King,

Acting Secretary.

[FR Doc. 89-14014 Filed 6-12-89; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31442]

Consolidated Rail Corp.; Joint Project for Relocation of a Line of Railroad; CSX Transportation, Inc.

On May 24, 1989, Consolidated Rail Corporation (Conrail) and CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 CFR 1180.2(d)(5) for exchange of trackage located in South Philadelphia, PA, that will confer ownership to: (1) Conrail, of CSXT's 3.21-mile line, the No. 4 Track and No. 4 Extension Track, between Valuation Station 130+27± at "Penrose" and Valuation Station 296+04± at Thorofare Crossover, including turnouts; and (2) CSXT, of Conrail's 3.03-mile line the No. 1 Harrisburg Track and No. 2 Thorofare Track, between Valuation Station 139+55± and 301+59±, including turnouts.

The joint project involves the relocation of lines of railroad that will not disrupt service to shippers and, thus, the exchange of trackage qualifies under the class exemption procedures at 49 CFR 1180.2(d)(5).

Use of this exemption will be conditioned on appropriate labor protection. Any employees affected by the joint relocation will be protected by the conditions in *Norfolk and Western Ry. Co.—Trackage Rights—BN, 354*

I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on:

Cheryl A. Cook, Consolidated Rail Corporation, 1138 Six Penn Center Plaza, Philadelphia, PA 19103-2959, and,

C.M. Rosenberger, CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202.

Dated: June 7, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Kathleen M. King,

Acting Secretary.

[FR Doc. 89-14114 Filed 6-12-89; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE**Lodging of Two Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; Deere and Co. et al.**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on May 26, 1989, two proposed consent decrees in *United States v. Deere and Company, et al.*, Civil No. 82-C-268-E were lodged with the United States District Court for the Northern District of Oklahoma. The proposed consent decrees arise from a civil action filed under section 122(g) of CERCLA, 42 U.S.C. 9622(g) and section 107 for reimbursement of costs both past and future incurred by the United States in connection with releases and threatened releases of hazardous materials from an agricultural chemical facility ("the Pryor Plant") owned successively by Deere and Company, Nipak, Inc. and Kaiser Aluminum and Chemical Corporation, near the town of Pryor, Oklahoma. Under the terms of the Decrees, Deere and Company and Nipak, Inc. will remediate the site by onsite incineration of contaminated soils and will reimburse the United States \$50,000 towards its response costs incurred at the site. Kaiser Aluminum and Chemical Corporation will pay the United States \$18,000 towards its response costs incurred at the site.

The Department of Justice will receive for a period of thirty (30) days from the date of publication comments relating to the proposed Consent Decrees.

Comments should be addressed to the Acting Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Deere and Company, et al.*, DJ Ref. 90-5-1-6-254.

The proposed Consent Decrees may be examined at the Office of the United States Attorney, Northern District of Oklahoma, 3600 U.S. Courthouse, 333 West Fourth Street, Tulsa, Oklahoma 74103. Copies of the Consent Decrees may be examined at the Department of Justice, Environmental Enforcement Section, Room 1647, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decrees may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy please enclose a check in the amount of \$5.00 (10 cents per page reproduction cost) payable to, the Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-13938 Filed 6-12-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree; Hunn, et al.

In accordance with Departmental policy, 28 C.F.R. 50.7, notice is hereby given that on May 30, 1989 a proposed Consent Decree in *United States v. Hunn, et al.* was lodged with the United States District Court for the District of Delaware. The proposed Consent Decree concerns the clean up of an abandoned landfill near Dover, Delaware—the Wildcat Landfill—by a group of settling defendants and the payment by the settlers of \$200,000 of the costs incurred by the Environmental Protection Agency (EPA) in investigation and enforcement activities related to this site pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.* The proposed Consent Decree provides for the construction of the remedy at the Wildcat Landfill site, the performance of operation and maintenance activities, the payment of \$140,000 in oversight costs, and the payment of \$200,000 of EPA's past costs.

The Department of Justice will receive for a period of thirty (30) days from the date of publication comments relating to the proposed Consent Decree. Comments should be addressed to the Acting Assistant Attorney General,

Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Hunn, et al.* D.J. Ref. 90-11-2-300.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 844 King Street, Wilmington, Delaware 19801, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose \$5.00 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General.

[FR Doc. 89-13939 Filed 6-12-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Partial Consent Decree Concerning Love Canal Hazardous Waste Site; Occidental Chemical Corp., et al.

In accordance with section 122(d) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9622(d), and Department Policy, 28 CFR 50.7, 38 Fed. Reg. 19029, notice is hereby given that a proposed Partial Consent Decree in *United States, et al. v. Occidental Chemical Corporation, et al.*, Civil Action No. 79-990C, was lodged with the United States District Court for the Western District of New York on June 1, 1989. The proposed Partial Consent Decree provides that Occidental Chemical Corporation shall implement a portion of the Record of Decision issued by the United States Environmental Protection Agency on October 26, 1987, as modified by the Decree, concerning the destruction and disposal of sediments excavated from sewers and creeks near the Love Canal hazardous waste site in Niagara Falls, New York. Specifically, the proposed Partial Consent Decree requires Occidental Chemical Corporation to transport the sediments and other Love Canal remedial wastes to its Niagara Falls plant site, temporarily store the materials in a centralized storage facility, and incinerate the wastes in a thermal destruction unit at the plant site. In order to expedite cleanup of the Love Canal area creeks, the parties have agreed to commence work prior to entry of the Partial Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the

date of publication of this notice, written comments relating to the proposed Partial Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States v. Occidental Chemical Corporation*, D.J. Ref. No. 90-5-1-1-1229.

The proposed Partial Consent Decree may be examined at the office of the United States Attorney, Western District of New York, 502 U.S. Courthouse, 68 Court Street, Buffalo, New York 14202; at the Region II office of the United States Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Partial Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, at the above address. In requesting a copy, please enclose a check in the amount of \$10.50, payable to the Treasurer of the United States, to cover the costs of reproduction.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-13941 Filed 6-12-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree; Pacific Hide and Fur Depot, Inc., et al.

In accordance with Departmental policy, 28 CFR 50.7 and 42 U.S.C. 9622(d), section 122(d) of CERCLA, notice is hereby given that on May 30, 1989 a proposed Partial Consent Decree in *United States v. Pacific Hide and Fur Depot, Inc., et al.*, District of Idaho Civil Action No. 83-4052, was lodged with the United States District Court for the District of Idaho. This is a civil action against 6 individual and three corporate defendants under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606 and 9607, section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, and Sections 7 and 17 of the Toxic Substances Control Act, 15 U.S.C. 2606 and 2616, for recovery of costs and injunctive relief in connection with the clean up of PCB contaminated

capacitors at a recycling and scrap facility in Pocatello, Idaho.

The proposed consent decree resolves some of the claims alleged in the complaint and provides for one defendant, Idaho Power Company, to implement the remedy selected by EPA in its Record of Decision. The Environmental Protection Agency estimates the remedy will cost approximately \$2.0 million. Full recovery of the costs previously incurred by the United States, anticipated future oversight costs associated with implementation of the remedial action at the Site, as well as operation and maintenance of the remedy, have been left to the remaining defendants. The remaining defendants will be pursued for these costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044. Comments should refer to *United States v. Pacific Hide and Fur Depot, Inc., et al.*, D.J. Ref. 90-11-2-47.

The proposed Consent Decree may be examined at the Office of the United States Attorney, District of Idaho, Room 328 Federal Building, 550 West Fort Street, Boise, Idaho 83724, and at the

Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1732(R), Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20004. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-13940 Filed 6-12-89; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Chase Packaging Corp. et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, on or before June 23, 1989.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than on or before June 23, 1989.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 22nd day of May 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition number	Articles produced
Chase Packaging Corp. (Workers)	Hudson Falls, NY	5/22/89	5/6/89	22,933	Packaging Bags
Coppedge Oil & Gas, Inc. (Company)	Piano, TX	5/22/89	5/1/89	22,934	Oil and gas
Encino Shirt Co. (ILGWU)	Moulton, AL	5/22/89	5/2/89	22,935	Men's sportshirts
Gearhart Industries, Inc. (Workers)	Fort Worth, TX	5/22/89	5/2/89	22,936	Oil and gas
Gower Pumping Service, Inc. (Workers)	Eldorado, TX	5/22/89	5/4/89	22,937	Oil and gas
Hudson Sewing, Inc. (Workers)	Hoboken, NJ	5/22/89	5/2/89	22,938	Ladie's loungewear and lingerie
Kennedy Mills, Inc. (ACTWU)	Janesville, WI	5/22/89	5/8/89	22,939	Wool fabric
Les Wilson, Inc. (Company)	Carmi, IL	5/22/89	5/21/89	22,940	Oil and gas
Mark Producing, Inc. (Workers)	Houston, TX	5/22/89	4/21/89	22,941	Oil and gas
Miami Carey (Workers)	Swainsboro, GA	5/22/89	5/4/89	22,942	Ventilation and door chimes
Mosler Inc. (UAW)	Hamilton, OH	5/22/89	5/5/89	22,943	Security products (safes, vault doors and security files)
Mundy Contract Maintenance, Inc.	Houston, TX	5/22/89	5/4/89	22,944	Maintenance services
Nortronics Co., Inc. (Workers)	Minneapolis, MN	5/22/89	5/1/89	22,945	Electronic tape heads
Santa Fe International Corp. (Workers)	Houston, TX	5/22/89	3/31/89	22,946	Oil and gas
Senior Drilling & Exploration Inc. (Workers)	Lafayette, LA	5/22/89	4/27/89	22,947	Oil and gas
Sherwood Medical, Inc. (Company)	Sherburne, NY	5/22/89	4/28/89	22,948	External feeding sets
Transmission Technology Co., Inc. (Company)	Fairfield, NJ	5/22/89	5/1/89	22,949	Propulsion systems
Tristar Sports, Inc. (Company)	Middletown, CT	5/22/89	5/1/89	22,950	Alpine skis
USECB Joint Venture (Company)	Riverton, WY	5/22/89	5/5/89	22,951	Uranium
Wedge Wireline, Inc. (Workers)	Odessa, TX	5/22/89	5/1/89	22,952	Oil and gas
Yesterday's News, Inc. (Company)	New York, NY	5/22/89	4/28/89	22,953	Women's dresses
L.E.C., Ltd./Geosearch Inc. (Workers) ¹	Tulsa, OK	11/14/88	11/4/88	21,627	Oil and gas
Milpark Drilling Fluids (Workers) ¹	Houston, TX	10/3/88	9/11/88	21,208	Drilling fluids
Fitkin Petroleum Corp. (Company) ¹	Oklahoma City, OK	11/18/88	10/3/88	22,318	Oil

¹ Investigation reopened.

U.S. DEPARTMENT OF LABOR

[TA-W-22,284 and TA-W-22-412]

Dismissal of Applications for Reconsideration; Heritage Cable TV and Shortway Products

Pursuant to 29 CFR 90.18 applications for administrative reconsideration were filed with the Director of the Office of Trade Adjustment Assistance for workers at the Heritage Cable TV, Branford, Connecticut, and Shortway Products, Clearfield, Pennsylvania. The reviews indicated that the applicants contained no new substantial information which would bear importantly on the Department's determinations. Therefore dismissal of the applications was issued.

TW-W-22,284; Heritage Cable TV, Branford, Connecticut (May 23, 1989)

TA-W-22,412; Shortway Products, Clearfield, Pennsylvania (May 23, 1989)

Signed at Washington, DC this 25th day of May 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-13986 Filed 6-12-89; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

[TA-W-22, 197]

Terra Resources, Denver, CO.; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Terra Resources, Denver, Colorado. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-22, 197; Terra Resources, Denver, Colorado (May 24, 1989)

Signed at Washington, DC, this 25th day of May 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-13987 Filed 6-12-89; 8:45 am]

BILLING CODE 4510-30-M

Merit Systems Protection Board

Opportunity to Comment on the Coverage of a Review of Actions Taken By the Office of Personnel Management Since January 1988

AGENCY: U.S. Merit Systems Protection Board.

ACTION: Notice of opportunity to comment on the coverage of a review of action taken by the Office of Personnel Management (OPM) since January 1988.

SUMMARY: 5 U.S.C. 1209(b) requires the U.S. Merit Systems Protection Board (Board) to report annually to the President and the Congress on the "significant actions" of OPM, including an analysis of whether those actions are in accord with merit system principles and free from prohibited personnel practices. The Board is in the process of reviewing OPM's significant actions since January 1988. This notice explains the Board's study and invites public comment on OPM's programs and activities.

DATE: Comments must be received on or before July 28, 1989.

ADDRESS: Comments must be made in writing and sent to the Office of Policy and Evaluation, U.S. Merit System Protection Board, 1120 Vermont Avenue, NW., 8th Floor, Washington, DC 20419, Attention: Charles Friedman.

FOR FURTHER INFORMATION CONTACT: Charles Friedman, Project Manager, Office of Policy and Evaluation, U.S. Merit Systems Protection Board, 1120 Vermont Avenue, NW., 8th Floor, Washington, DC 20419, (202) 653-7208.

SUPPLEMENTARY INFORMATION:

The Civil Service Reform Act of 1978 established the merit principles (5 U.S.C. 2301) and prohibited personnel practices (5 U.S.C. 2302) as standards for personnel management in the Federal Government. The Board is responsible for protecting the public interest in a civil service administered according to these standards by adjudicating employee appeals, acting on actions brought by the Special Counsel, conducting special studies of the civil service and other merit systems, and reviewing the regulations and significant actions of OPM. The Office of Policy and Evaluation has principal responsibility within the Board for merit studies and OPM oversight, including the annual report on OPM's significant actions.

(a) What Is An OPM Significant Action?

The statutory provision at 5 U.S.C. 1209(b) does not specify criteria for the Board to use in determining which

actions of OPM are significant for purposes of preparing its report. In exercising its discretion as to which actions of OPM it will study, the Board considers the following:

(1) Any OPM policy or program which might conflict with the statutory merit principles or contribute to the commission of a prohibited personnel practice;

(2) The extent to which other major decisions made or actions taken by OPM are in accord with and promote the merit principles; and

(3) OPM's impact, overall, on personnel management within the merit systems of the Federal civil service.

(b) Public Comment on Significant Actions

The Board invites any interested person or organization to comment on: which actions of OPM since January 1988 were "significant" for the merit systems; whether those actions were consistent with the merit system principles and free from prohibited personnel practices; what types of data would be most pertinent in evaluating the significant action(s) being suggested; and where can the data be found.

Although comments are invited on any action taken by OPM since January 1988, comments should be consistent with the Board's criteria as described above. Consideration may also be given to the fact that a lack of action on an issue by OPM can constitute a significant action for purposes of this review.

Finally, the Board also invites comments on the relative priority that should be assigned to each of the significant actions being suggested.

(c) Format for Comments

The comments should contain for each topic a short statement of the issue being raised, a brief explanation as to why it should be reviewed, and a description of the favorable or adverse impact of the action on the Federal service.

Suggestions on what data (nature and sources) would be most useful in evaluating the issue and OPM's action(s), as well as comments on the relative priority of all potential study topics, should be shown in a separate paragraph.

(d) Acknowledgment of Comments

Owing to the nature of this notice (i.e., a request for suggestions), no acknowledgment or response will be provided to those who submit comments.

(e) Confidentiality

The Board will protect the identity of persons submitting comments and the confidentiality of such comments to the extent permitted by law.

Dated: June 7, 1989.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 89-14044 Filed 6-12-89; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Public Information Collection Requirement Submitted to OMB for Review

June 6, 1989.

The National Credit Union Administration has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submissions may be obtained by calling the NCUA Clearance Officer listed. Comments regarding information collections should be addressed to the OMB reviewer listed and to the NCUA Clearance Officer, NCUA, Administrative Office, Room 7344, 1776 G Street, Washington, DC 20456.

OMB Number: New Collection

Form Number: NCUA 4221, 4401, 4505, 4506 and 9600

Type of Review: Approval

Title: 12 U.S.C. 1771—Conversion from Federal to State Credit Union and from State to Federal Credit Union; 12 U.S.C. 1781—Insurance of Member Accounts—Eligibility

Description: Certain information must be submitted by a credit union requesting conversion from state to federal charter or from the federal to state charter. Information is also required to determine eligibility for federal share insurance.

Respondents: Credit Union Officials.

Estimated Number of Respondents: 50

Estimated Burden Hours per

Response: 4 hours.

Frequency of Response: Once per respondent.

Estimated Total Reporting Burden: 200 hours.

OMB Number: 3133-0015

Form Number: NCUA 4000, 4001, 4008, 4012 and 9500

Type of Review: Renewal

Title: Application for Federal Credit Union Charter

Description: The forms contained in this information collection constitute the application for and investigation of a new federal credit union charter. The character and fitness of charter subscribers and the economic advisability of the proposed charter must be determined.

Respondents: Federal credit union organizers.

Estimated Number of Respondents: 46

Estimated Burden Hours per

Response: 75 hours.

Frequency of Response: One time.

Estimated Total Reporting Burden: 300 hours.

Clearance Officer: Wilmer A. Theard, (202) 682-9700, National Credit Union Administration, Room 7344, 1776 G Street, Washington, DC 20456.

OMB Reviewer: Gary Waxman (202) 395-7340, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503
Becky Baker,

Secretary of the NCUA Board.

[FR Doc. 89-13967 Filed 6-12-89; 8:45 am]

BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 12th meeting on June 28-30, 1989, 8:30 a.m.-5:00 p.m. each day, Room P-110, 7920 Norfolk Avenue, Bethesda, MD. The purpose of this meeting includes: completion of the ACNW review of the Site Characterization Analysis, a discussion of reporting mishaps in the management of low-level wastes, a status report on cementitious waste forms, a discussion of the approach to performance assessment for the high-level waste repository and status of activities, a discussion of research related to nuclear waste, and an administrative session to discuss anticipated and proposed Committee activities, future meeting agenda, and organizational matters.

Procedures for the conduct of and participation in ACNW meetings were published in the Federal Register on June 6, 1988 (53 FR 20699). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions

of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. The Office of the ACNW is providing Staff support for the ACNW. Persons desiring to make oral statements should notify the Executive Director of the Office of the ACNW as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the Executive Director of the Office of the ACNW, Mr. Raymond F. Fraley (telephone 301/492-4516), prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACNW Executive Director if such rescheduling would result in major inconvenience.

Date: June 7, 1989.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 89-13907 Filed 6-12-89; 8:45 am]

BILLING CODE 7590-01-M

Governors' Designees Receiving Advance Notification of Transportation of Nuclear Waste

On January 6, 1982, the Nuclear Regulatory Commission (NRC) published in the Federal Register, as final, certain amendments to 10 CFR Parts 71 and 73 (effective July 6, 1982), which require advance notification to Governors or their designees concerning transportation of certain shipments of nuclear waste and spent fuel. The advance notification covered in Part 73 is for spent nuclear reactor fuel shipments and the notification for Part 71 is for large quantity shipments of radioactive waste (and of spent nuclear reactor fuel not covered under the final amendment to 10 CFR Part 73).

The following list updates the names, addresses and telephone numbers of those individuals in each State who are responsible for receiving information on nuclear waste shipments. The list will be published annually in the Federal Register on or about June 30, to reflect any changes in information.

Individuals Receiving Advance Notification of Nuclear Waste Shipments

States	Part 71	Part 73
Alabama	Col. Thomas H. Wells, Director, Alabama Department of Public Safety, P.O. Box 1511, Montgomery, AL 36192-0501, (205) 261-4378.	Same.
Alaska	Mr. Dennis Kelso, Commissioner, Alaska Department of Environmental Conservation, Pouch 0, Juneau, AK 99811, (907) 465-2600.	Same.
Arizona	Charles F. Tedford, Director, Arizona Radiation Regulatory Agency, 4814 South 40 Street, Phoenix, AZ 85040, (602) 255-4845, After hours: (602) 998-4662.	Same.
Arkansas	Greta J. Dicus, Director, Division of Radiation Control and Emergency Management Programs, Arkansas Department of Health, 4815 West Markham Street, Little Rock, AR 72201, (501) 661-2301, After hours: (501) 661-2136 or 661-2000.	Same.
California	Robert P. Rengstarrf, Chief, California Highway Patrol, P.O. Box 942898, Sacramento, CA 94298-0001, (916) 445-3253.	Same.
Colorado	Captain Lonnie J. Westphal, Officer in Charge, Administrative Branch Services, Colorado State Patrol, 700 Kipling Street, Denver, CO 80215, (303) 239-4560, After hours: (303) 239-4501.	Same.
Connecticut	The Honorable Leslie Carothers, Commissioner, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106, (203) 566-2110.	Same.
Delaware	Patrick W. Murray, Secretary, Department of Public Safety, P.O. Box 818, Dover, DE 19903, (302) 736-4321.	Same.
Florida	Harlan Keaton, Public Health Physicist Manager, Office of Radiation Control, Department of Health & Rehabilitative Services, P.O. Box 15490, Orlando, FL 32858, (305) 297-2095.	Same.
Georgia	Tom Doyal, Director, Transportation Division, Public Service Commission, 1007 Virginia Avenue, Hapeville, GA 30354, (404) 761-2229.	Same.
Hawaii	James K. Ikeda, Deputy Director for Environmental Health, Department of Health, P.O. Box 3378, Honolulu, HI 96813, (808) 548-4139.	Same.
Idaho	Ernest Ranieri, Radiation Physicist Supervisor, Division of Environment, 450 W. State, 3rd Floor, Boise, ID 83720, (208) 334-5879, After hours: (208) 344-4090.	Same.
Illinois	Dr. Terry Lash, Director, Illinois Department of Nuclear Safety, 1035 Outer Park Drive, 5th Floor, Springfield, IL 62704, (217) 785-9868, Emergency: (217) 782-6111, After hours: (217) 785-0600.	Same.
Indiana	Lloyd R. Jennings, Superintendent, Indiana State Police, 301 State Office Building, 100 North Senate Avenue, Indianapolis, IN 46204, (317) 232-8241, After hours: (317) 232-8246.	Same.
Iowa	Ellen M. Gordon, Director, Office of Disaster Services, Hoover State Office Building, Des Moines, IA 50319, (515) 281-3231.	Same.
Kansas	Leon H. Mannell, P.E., Administrator, Radiological Systems, The Adjutant General's Department, Division of Emergency Preparedness, P.O. Box C-300, Topeka, KS 66601, (913) 266-1409, After hours: (296-3176).	Same.
Kentucky	Donald R. Hughes, Sr., Manager, Radiation Control, Department for Health Services, 275 East Main Street, Frankfort, KY 40621, (502) 564-3700.	Same.
Louisiana	Capt. Bill Spencer, Louisiana State Police, 265 South Foster Drive, P.O. Box 66614, Baton Rouge, LA 70895, (504) 925-6113.	Same.
Maine	Chief of the State Police, Maine Dept. of Public Safety, 36 Hospital Street, Augusta, ME 04330, (207) 289-2155.	Same.
Maryland	Colonel James A. Jones, Chief, Services Bureau, Maryland State Police, 1201 Reisterstown Road, Pikesville, MD 21208, (301) 486-3101.	Same.
Massachusetts	Robert M. Hallisey, Director, Radiation Control Program, Massachusetts Department of Public Health, 150 Tremont Street, 2nd Floor, Boston, MA 02111, (617) 727-6214.	Same.
Michigan	James E. Cox, Captain, Commanding Officer, Operations Division, Michigan Department of State Police, 714 S. Harrison Road, East Lansing, MI 48823, (517) 337-6100.	Same.
Minnesota	John R. Kerr, Natural Disaster Planner, Minnesota Division of Emergency Management, B5 State Capitol, St. Paul, MN 55155, (612) 296-2233, After hours: (612) 649-5451.	Same.
Mississippi	James E. Maher, Director, Mississippi Emergency Management Agency, P.O. Box 4501, Fondren Station, Jackson, MS 39296-4501, (601) 352-9100 (24 hours).	Same.
Missouri	Richard D. Ross, Director, State Emergency Management Agency, 1717 Industrial Drive, P.O. Box 116, Jefferson City, MO 65102, (314) 751-9779, After hours: (314) 751-2748.	Same.
Montana	Mr. Larry Lloyd, Administrator, Environmental Sciences, Division, Department of Health & Environmental Sciences, Room A113, Cogswell Bldg., Helena, MT 59620, (406) 444-3948, After hours: (406) 442-1425.	F. Guy Youngblood, Administrator, Disaster & Emergency Services Division, P.O. Box 4789, Helena, MT 59604, (406) 444-6911.
Nebraska	Harold W. LeGrande, Superintendent, Nebraska State Patrol, P.O. Box 94907, State House, Lincoln, NE 68509, (402) 471-2406, After hours: (402) 471-4545.	Same.
Nevada	Stanley R. Marshall, Supervisor, Radiological Health Section, Bureau of Regulatory Health Services, Nevada Division of Health, 505 East King Street, Room 202, Carson City, NV 89710, (702) 885-5394.	Same.
New Hampshire	Richard M. Flynn, Commissioner, New Hampshire Dept. of Safety, James H. Hayes Building, Hazen Drive, Concord, NH 03305, (603) 271-3636 (24 hours).	Same.
New Jersey	Kent Tosch, Chief, Department of Environmental Protection, Bureau of Nuclear Engineering, CN 411, Trenton, NJ 08625, (609) 530-4022.	Same.
New Mexico	Dr. Robert Kemble, Cabinet Secretary, Department of Public Safety, P.O. Box 1628, Santa Fe, NM 87504-1628, (505) 827-3370, After hours: (505) 827-9126.	Same.
New York	Donald A. DeVito, Director, State Emergency Mgmt. Office, Division of Military and Naval Affairs, Public Security Building, State Campus, Albany, NY 12226, (518) 457-2222.	Same.
North Carolina	Major Walter K. Chapman, Director, Administrative Services, North Carolina Highway Patrol Headquarters, P.O. Box 27687, Raleigh, NC 27611, (919) 733-7952, After hours: (919) 733-3861.	Same.
North Dakota	Dana K. Mount, Director, Division of Environmental Engineering, Department of Health, 1200 Missouri Avenue, Box 5520, Bismarck, ND 58502-5520, (701) 224-2348, After hours: (701) 224-2121.	Same.
Ohio	James R. Williams, Chief of Staff, Ohio Emergency Management Agency, 2825 W. Granville Road, Worthington, OH 43235-2712, (614) 889-7150.	Same.
Oklahoma	Clent Dedek, Commissioner of Public Safety, Oklahoma Department of Public Safety, 3600 N. King Avenue, P.O. Box 11415, Oklahoma City, OK 73136-0145, (405) 425-2424 (24 hours).	Same.
Oregon	William T. Dixon, Administrator, Siting and Regulation, Oregon Department of Energy, 625 Marion Street, NE, Salem, OR 97310, (503) 378-6469.	Same.

States	Part 71	Part 73
Pennsylvania.....	George M. Johnson, Director, Response and Recovery, Pennsylvania Emergency Management Agency, P.O. Box 3321, Harrisburg, PA 17105, (717) 783-8150, After hours: (717) 783-8150.	Same.
Rhode Island.....	William A. Maloney, Associate Administrator, Motor Carriers, Division of Public Utilities and Carriers, 100 Orange Street, Providence, RI 02903, (401) 277-3500.	Same.
South Carolina.....	Heyward G. Shealy, Chief, Bureau of Radiological Health, South Carolina Department of Health & Environmental Control, 2600 Bull Street, Columbia, SC 29201, (803) 734-4632, After hours: (803) 253-6497.	Same.
South Dakota.....	Robert D. Gunderson, Division Director, Emergency and Disaster Services, Capitol Building, Basement, Pierre, SD 57501, (605) 773-3231.	Same.
Tennessee.....	John White, Assistant Deputy Director, Tennessee Emergency Management Agency, State Emergency Operations Center, 3041 Sidco Drive, Nashville, TN 37204, (615) 252-3300, After hours: 1-800-258-3300.	Same.
Texas.....	Dr. Robert Bernstein, Commissioner, Texas Department of Health, Bureau of Radiation Control, 1100 West 49th Street, Austin, TX 78756, (512) 458-7375.	Col. Joe E. Milner, Director, Texas Department of Public Safety, 5805 N. Lamar Blvd., Austin, TX 78752, (512) 465-2000.
Utah.....	Larry F. Anderson, Director, Bureau of Radiation Control, 288 N. 1460 West, P.O. Box 16690, Salt Lake City, UT 84116-0690, (801) 538-6734, After hours: (801) 538-6333.	Same.
Vermont.....	Susan C. Crampton, Secretary, Vermont Agency of Transportation, 133 State Street, Montpelier, VT 05602, (802) 828-2657.	Same.
Virginia.....	Michael M. Cline, Director of Operations, Department of Emergency Services, Commonwealth of Virginia, 310 Turner Road, Richmond, VA 23225, (804) 674-2400.	Same.
Washington.....	Curtis P. Eschels, Chairman, Energy Facility Site Evaluation Council, Mail Stop PY-11, Olympia, WA 98504, (206) 459-6490.	Same.
West Virginia.....	Colonel J.R. Buckalew, Superintendent, Department of Public Safety, 725 Jefferson Road, South Charleston, WV 25309, (304) 746-2111.	Same.
Wisconsin.....	BG (Ret.) Richard I. Braund, Administrator, Wisconsin Division of Emergency Government, 4802 Sheboygan Ave., Room 99A, P.O. Box 7865, Madison, WI 53707, (608) 266-3232.	Same.
Wyoming.....	Julius E. Haes, Jr., Chief, Radiological Health Services, Department of Health & Social Services, Hathaway Building, Cheyenne, WY 82002-0710, (307) 777-6015, After hours: (307) 777-7244.	Same.
District of Columbia.....	Norma J. Stewart, Program Manager, Pharmaceutical and Medical Devices Control Division, Department of Consumer and Regulator Affairs, 614 H Street, NW., Washington, DC 20001, (202) 727-7219.	Same.
Puerto Rico.....	Santos Rohena, Jr., Chairman, Environmental Quality Board, P.O. Box 11488, Santurce, PR 00910, (809) 722-1175 or (809) 722-5140.	Same.
Guam.....	Charles P. Crisostomo, Administrator, Guam Environmental Protection Agency, P.O. Box 2999, Agaña, Guam 96910, (671) 646-7579.	Same.
Trust Territory of the Pacific Islands.....	R. Kent Harvey, Attorney General, Trust Territory of the Pacific Islands, Saipan, CM 96950, Saipan 9325 or 9364.	Same.
Virgin Islands.....	Honorable Juan Luis, Governor, Government House, Charlotte Amalie, St. Thomas, Virgin Islands 00801, (809) 774-0001.	Same.
American Samoa.....	Mr. Pati Faiai, Government Ecologist, Environmental Protection Agency, Office of the Governor, Pago Pago, American Samoa 96799, (684) 633-2304.	Same.
Commonwealth of the Northern Mariana Islands.....	Nicholas M. Leon Guerrero, Director, Department of Natural Resources, Commonwealth of Northern Mariana Islands Government, Capitol Hill, Saipan, MP 96950, (670) 322-9830 or (670) 322-9834.	Same.

Questions regarding this matter should be directed to Mindy Landau at (301) 492-9308.

Dated at Rockville, MD, this 6th day of June 1989.

For the Nuclear Regulatory Commission,
Harold R. Denton,

Director, Office of Governmental and Public Affairs.

[FR Doc. 89-13906 Filed 6-12-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-269, 50-270, and 50-287]

Duke Power Co.; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Duke Power Company (the licensee) to withdraw a portion of its October 8, 1984 application for proposed amendments to Facility Operating License Nos. DPR-38, DPR-

47, and DPR-55 for the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina.

The withdrawn portion of the proposed amendments would have revised the Technical Specifications related to post-accident sampling and sampling and analysis of plant effluents.

The Commission has previously issued a Notice of Consideration of Issuance of Amendments published in the Federal Register on May 21, 1985 (50 FR 20975). However, by letter dated May 17, 1989, the licensee withdrew a portion of the proposed change.

For further details with respect to this action, see the application for amendment dated October 8, 1984, and the licensee's letter dated May 17, 1989, which withdrew a portion of the application for license amendments. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and the Oconee

County Library, 501 West South Broad Street, Walhalla, South Carolina 29691.

Dated at Rockville, Maryland this 6th day of June 1989.

For the Nuclear Regulatory Commission,

Lawrence P. Crocker,

Acting Director, Project Directorate II-3, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-14005 Filed 6-12-89; 8:45am]

BILLING CODE 7590-01-M

[Docket Nos. 50-321 and 50-366]

Georgia Power Co., Oglethorpe Power Corp., Municipal Electric Authority of Georgia; City of Dalton, GA; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 163 to Facility Operating License No. DPR-57 and Amendment No. 100 to Facility

Operating License No. NPF-5 issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the licensee), which revised the Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2, (the facility) located in Appling County, Georgia. The amendments were effective as of the date of issuance.

The amendments change the Unit 1 reactor protection system (RPS) and control rod block surveillance requirements to provide for consistency with the Unit 2 Technical specifications and change the RPS functional test frequencies and equipment outage times for both units.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendments and Opportunity for Prior Hearing in connection with this action was published in the *Federal Register* on June 30, 1988 (51 FR 23610). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of the amendments will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendments dated March 27, 1986, as supplemented April 22 and December 27, 1988, (2) Amendment No. 163 to License No. DPR-57 and Amendment No. 100 to License No. NPF-5 and (3) the Commission's related Safety Evaluation and Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

Dated at Rockville, Maryland this 6th day of June 1989.

For the Nuclear Regulatory Commission,
Lawrence P. Crocker,
*Project Manager, Project Directorate II-3,
Division of Reactor Projects—I/II, Office of
Nuclear Reactor Regulation.*

[FR Doc. 89-14007 Filed 6-12-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-498]

**Houston Lighting & Power Co.;
Consideration of Issuance of
Amendment to Facility Operating
License and Opportunity for Hearing**

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-76, issued to Houston Lighting & Power Company (the licensee), for operation of the South Texas Project, Unit 1 located in Matagorda County, Texas.

The amendment would permit the use of new core power distribution limits which are described in proposed changes to the Final Safety Analysis Report (FSAR). The licensee intends to increase the fuel enrichment in two of the three core regions, but for all three regions the fuel enrichment will remain lower than the approved maximum. The new enrichments required the calculation of new power distribution limits and a reconsideration of the accident analyses affected by the proposed changes.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By July 13, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the

Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceedings, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission,

Washington, DC, 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram identification Number 3737 and the following message addressed to Frederick J. Hebdon: petitioner's name and telephone number; date Petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Newman & Holtzinger, P.C., 1615 L Street NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated June 1, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC and at the Wharton Junior College Library, Wharton, Texas 77488.

Dated at Rockville, Maryland this 6th day of June 1989.

For the Nuclear Regulatory Commission,
Frederick J. Hebdon,

Director, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89-14006 Filed 6-12-89; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[34-26896; File No. DTC-89-07]

Self-Regulatory Organizations; Depository Trust Company; Order Approving a Proposed Rule Change Concerning Invitations To Tender To Cover Short Positions

June 5, 1989.

On April 4, 1989, the Depository Trust Company ("DTC") filed a proposed rule change (File No. SR-DTC-89-07) under section 19(b) of the Securities Exchange Act of 1934 ("Act").¹ The proposal establishes a procedure for distributing invitations to tender to cover short positions over DTC's Participant Terminal System. The Commission published notice of the proposal in the **Federal Register** on April 24, 1989.² No public comments were received. For the reasons discussed below, the commission is approving the proposal.

I. Description of the Proposed Rule Change

The proposed rule change will establish an automated procedure whereby DTC, at the request of a DTC Participant that has a short position in a certain security, may invite tenders to cover the short position of that DTC Participant from DTC Participants that have a long position in the same security.³ DTC will use an automated means of communication, the PTS system,⁴ to invite the tenders. The proposed rule change is the first part of a program that is being developed at the request of Participants and securities industry organizations to eliminate short positions.⁵

¹ 15 U.S.C. 78s (1988).

² Securities Exchange Act Release No. 26732 (April 17, 1989), 54 FR 16430-J.

³ Short positions may arise in any security for a number of reasons. Short positions primarily are caused by rejects of deposits of securities that the depositing participant already has delivered to another participant, and by deliveries of securities that, because of late notification to DTC of partial calls, subsequently are determined to be called securities in DTC's call lottery.

⁴ The Participant Terminal System ("PTS") is a computerized communications network available to DTC Participants only. Users of another, more simplified DTC communications system called PTS, Jr. also will be eligible to use the proposed procedures to invite tenders to cover short positions.

⁵ A user advisory committee that includes representatives from, among other groups, the New York Clearing House Association and the Reorganization and Securities Operations Divisions of the Securities Industry Association has been formed to advise DTC on methods of eliminating short positions.

Under the proposal, a Participant with a short position in any security may use the PTS system to send a message to DTC of its desire that DTC extend, on its behalf, an invitation to tender in an attempt to resolve its short position.⁶ In addition, if the participant holds a security similar to the one in which it has a short position, the invitation to tender may include an offer to sell, or swap, the similar security. This incoming message to DTC must include the Participant's identification number, date, identification number for the security, security description, quantity desired,⁷ and contact name and telephone number, and, if a swap is involved, also the CUSIP number and description of the substitute security.

DTC has reserved the period from 4:30 to 5:00 p.m. (Eastern time) for receipt of messages from Participants with a short position wishing to invite a tender to cover short positions. DTC's outgoing messages conveying invitations to tender are broadcast after receipt of the incoming messages. Invitations to tender to cover short positions are not broadcast continuously, but are broadcast only once each day. If the short position remains outstanding, the Participant with the short position may send a message to invite tenders to DTC on a daily basis until the short position is covered.

Upon receipt of the automated message from Participants with short positions, DTC will identify each Participant with a long position in the specified security, and will send an automated message to each such Participant informing them of an invitation to tender to cover a short position.⁸ Only Participants with a long position in the security will receive this message. DTC will provide the CUSIP number and security description for the security (and for the similar security if a swap is involved), quantity desired, date, and a contact name and telephone number at DTC.

If a Participant with a long position wishes to tender or swap securities, that Participant must contact the specified person at DTC. At that point, the DTC contact person will contact the Participant with a short position to

⁶ If a Participant has a short position due to an error on DTC's part, DTC also may use these procedures to invite tenders to cover the short position.

⁷ Although the quantity desired is listed, Participants are presumed to be interested in negotiating for amounts greater or less than the quantity desired to cover the short position.

⁸ DTC will not broadcast outgoing messages until it confirms that the Participant sending the incoming message has a short position in the security indicated on the incoming message.

inform it of the names and telephone numbers of contact persons at each Participant with a long position that responded affirmatively to the automated invitation to tender message. DTC will relay the names of responding Participants in the order in which DTC receives the responses, and all responses will be relayed.

At this point, the Participants negotiate with each other the terms of the transaction,⁹ and assuming they reach an agreement to trade, arrange for the actual execution to take place.¹⁰ DTC will not be involved with the negotiations. Moreover, DTC's rules and procedures will not require Participants to reach agreement to trade.

In cases where a short position is successfully covered through use of these procedures, the Participant with a short position will notify DTC by telephone that the invitation to tender is no longer outstanding. DTC then will inform Participants that received the invitation to tender message that the invitation has been rescinded.

II. DTC's Rationale for the Proposed Rule Change

DTC states that the proposed rule change is designed to reduce the number of short positions at DTC. DTC believes the filing is consistent with Section 17A of the Act.

III. Discussion

The Commission believes the proposed rule change is consistent with Section 17A of the Act and therefore is approving the proposal. The Commission believes the procedures for inviting tenders to cover short positions are consistent with the duties of a clearing agency under Section 17A to facilitate the prompt and accurate clearance and settlement of securities transactions and to safeguard securities and funds in its custody or control or for which it is responsible.¹¹

Under DTC procedures, Participants are obligated to cover their short positions immediately.¹² A Participant

with an outstanding short position must pay a daily charge of 130% of the market value of the security until the position is covered. The 130% charge acts as an incentive for Participants to cover short positions as soon as possible, and also acts as a cushion to protect DTC in the event of a sharp rise in the market price of the security.

Notwithstanding the incentives inherent in the 130% charge, certain securities may be difficult to cover and the short position may be outstanding for several months.¹³ Moreover, it may be difficult and time-consuming for a Participant with a short position in a small, thinly-traded issue to locate securityholders willing to sell their positions, even if the buyer were willing to pay a substantial premium over the current market price.

Short positions in a depository also may create inventory deficiencies in the security so that certificates may not be available for withdrawal from the depository by Participants with a long position in that security.¹⁴ If such a Participant wishes to withdraw securities that DTC does not have in its vault, DTC generally must undertake to obtain the securities, either by demanding delivery from the Participant with a short position, or by buying sufficient shares or bonds to satisfy the withdrawal request and charging the Participant with a short position. If the Participant with a short position, for any reason, fails to satisfy the delivery or payment obligation, DTC may be liable for any shortfall in excess of the defaulting Participant's assets available to DTC.¹⁵ In these circumstances, DTC could choose to use retained earnings to cover the loss or to allocate the resulting loss to all Participants on a *pro rata* basis.¹⁶

In its filing, DTC estimated that short positions currently exist in approximately 3000 securities, and are valued at approximately \$90 million. At the request of its Participants and

securities industry organizations, DTC has developed these procedures that enable Participants with short positions to locate Participants with long positions in the security. DTC is in a unique position to know the identity of Participants that are long in a certain security, and has determined to use its facilities for automated communication of invitations to tender. The determination to invite tenders is made solely by the Participant that is short in a security, and the determination to tender is made solely by the Participants that are long in the security. DTC's function is to communicate the wishes of the Participants, keeping the identities confidential until the Participants with a long position respond to the invitation to tender. DTC has estimated that the procedures for invitations to tender to cover short positions may eliminate from 10% to 15% of all short positions currently outstanding.¹⁷

The Commission believes significant benefits will result from DTC's efforts to reduce or eliminate short positions. Participants with short positions will be able to locate interested security holders of the security (who also are DTC Participants) to negotiate a trade, and potentially will be able to cover more quickly, thereby avoiding the risk of a large move in the market price of the security. Reducing the number of short positions may help to reduce the number of inventory deficiencies at DTC, thereby reducing processing problems. Fewer short positions also will help DTC and Participants to avoid the financial risk associated with short positions. For these reasons, the Commission finds DTC's procedures to invite tenders to cover short positions to be consistent with the requirements of Section 17A of the Act that a clearing agency have the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions and to safeguard securities and funds in the clearing agency's custody or control or for which it is responsible.

In order to monitor the extent to which short positions continue to exist at DTC and to monitor the effectiveness of the procedures approved in this proposed rule change, the Commission expects DTC to provide the following information, on a quarterly basis: (1) The total number and value of short positions on the last day of the quarter; (2) the type of security involved in each such short position [e.g., municipal,

⁹ For example, Participants must negotiate the quantity and price of securities they wish to trade. Although participants with a short position are presumed ready to purchase amounts greater or less than the amount they are short, they have no obligation to do so under these procedures.

¹⁰ DTC may be instructed by the Participants to make a book-entry delivery of the security as a result of the transaction. Participants are reminded that execution of the transaction must take place in accordance with self-regulatory organization rules concerning order execution. See, e.g., New York Stock Exchange Rule 390.

¹¹ See, e.g., section 17A(b)(3)(A) of the Act.

¹² DTC Participant Operating Procedures, section C at 7.

¹³ For example, thinly traded securities and certain municipal securities that were issued to fund a particular purpose may be in short supply.

¹⁴ This would occur only where the short position represents a substantial proportion of the issue at DTC.

¹⁵ The risk of loss seems to be remote, given that DTC collects a 130% charge that is marked to the market daily on short positions. Thus, the risk is greatest when there has been a rise in the market price of the security above 130% of the amount DTC last collected from the Participant with a short position.

¹⁶ In addition, if the market price of the security has risen sharply to the point that the Participant with a short position is unwilling to pay the market price, a legal dispute over the liability to cover the short position could develop. Theoretically, DTC also is at risk for the entire market price in these circumstances.

¹⁷ See DTC Memorandum to Participants, dated January 30, 1989.

equity, or corporate bond); (3) the number of invitations to tender to cover short positions extended through these procedures during the quarter, including both the number of invitations extended to DTC by Participants with a short position and the number of responses by Participants with a long position to invitations extended by DTC; (4) the number of short positions eliminated through use of these procedures during the quarter; and (5) the identities of the Participants that successfully used these procedures to cover short positions or to tender securities and the securities issues involved. DTC should file such information on a quarterly basis until notified otherwise.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the Act and, in particular, with section 17A. The Commission believes the proposal is consistent with a clearing agency's duties to facilitate the prompt and accurate clearance and settlement of securities transactions and to safeguard securities and funds in its custody or control or for which it is responsible.

It is therefore ordered, pursuant to section 19(b) of the Act, that the proposed rule change (SR-DTC-89-07) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority (17 CFR 200.30-3).

Jonathan G. Katz,
Secretary.

[FR Doc. 89-14010 Filed 6-12-89; 8:45 am]
BILLING CODE 8010-01-M

[34-26898; File No. MSTC-89-03]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule; Change by Midwest Securities Trust Company Relating to a Revised Fee Schedule for Legal Deposit Services.

June 6, 1989.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 3, 1989, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement on the Terms of Substance of the Proposed Rule Change

Hereinbelow is the revised reduced schedule of charges for Midwest Securities Trust Company's ("MSTC") Legal Deposit Services:

Items/Month	Cost per Item
1-1,000.....	\$5.00
1,001-4,001.....	\$3.00 (The first 1,000 at \$5.00 and the next 3,000 at \$3.00)
4,000 & over.....	\$3.00 (All items at \$3.00)
Legal Reclamations.....	No charge

II. Self-Regulatory Organization's Statement on the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to reduce the fees for providing Legal Deposit Services to Participants. The revised fee schedule offers discounts to Participants based on the volume of activity while allowing MSTC to remain competitive in the marketplace.

The revised fee schedule is consistent with section 17A of the Securities Exchange Act of 1934 (the "Act") in that it provides for the equitable allocation of reasonable dues, fees and other charges among MSTC's Participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were solicited from Participants, however none were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filings will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to File Number SR-MSTC-89-3 and should be submitted by July 5, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-14009 Filed 6-12-89; 8:45 am]
BILLING CODE 8010-01-M

[34-26897; File No. NSCC-89-05]

Self-Regulatory Organizations; National Securities Clearing Corporation; Filing and Immediate Effectiveness of Proposed Rule Change Relating to Cross Endorsed Settlement

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given

that on May 18, 1989, NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would modify NSCC's Rules and Procedures concerning its cross endorsed settlement program.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed rule change is to allow NSCC to accept one payment from DTC reflecting the sum of all Members' cross endorsed settlement drafts.

Currently NSCC's rules specify that a Member must make settlement to NSCC with a check of the Member or a check of DTC payable to the order of the Settling Member and endorsed to the order of NSCC. This results in NSCC receiving and processing as many as 160 cross endorsed items a day. In addition, NSCC incurs approximately \$10,000 a year in bank processing fees, as well as considerable man-power spent on account reconciliation. Under the proposal, the rules will permit all the cross endorsed amounts owed by Members to NSCC as a result of settlement to be added together. One net check for the total of all money payable from DTC will be paid directly to NSCC. Under the new system, NSCC will still be able to identify the individual amounts owed by members which comprise the final amount paid by DTC.

(b) The proposed rule filing facilitates the prompt and accurate clearance and settlement of securities transactions for

which NSCC is responsible and, therefore, is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to NSCC.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Act

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5. U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 5, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

Dated: June 6, 1989.
[FR Doc. 89-14008 Filed 6-12-89; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. IC-16981; (812-7096)]

Benham Government Income Trust et al.; Application

June 5, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption and Approval under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Benham Government Income Trust ("BGIT"), Benham Equity Funds ("BEF"), Benham Variable Insurance Trust ("BVIT"), Benham California Tax-Free Trust ("BCTFT"), Benham National Tax-Free Trust ("BNTFT") and Capital Preservation Fund ("Money Market Fund") (each individually an "Applicant" or collectively the "Applicants").

Relevant 1940 Act Sections: Exemption requested pursuant to sections 6(c) and 17(b) from the provisions of sections 17(a) (1) and (2) and approval sought under section 17(d) and Rule 17d-1.

SUMMARY: Applicants seek an order (i) to permit BGIT and BEF to purchase shares of the Money Market Fund; (ii) to permit the Money Market Fund to sell its shares to BGIT and BEF; (iii) to permit BVIT, BCTFT and BNTFT to purchase shares in their respective money market portfolios (collectively the "Money Market Portfolios"); (iv) to permit the money Market Portfolios of BVIT, BCTFT and BNTFT to sell shares to other series of BVIT, BCTFT and BNTFT and (v) to permit the Benham Management Corporation ("BMC"), as investment advisor of Applicants, to effect such purchases and sales of the Money Market Fund and Money Market Portfolios.

Filing Dates: The application was filed on August 16, 1988, and amended on May 19, 1989.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June

29, 1989, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549; Applicants, c/o Jeffrey L. Steele, Esq., Dechert Price & Rhoads, 1500 K Street, NW., Suite 500, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Paul J. Heaney, Financial Analyst (202) 272-3420, or Brian R. Thompson, Branch Chief (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch in person, or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations

1. Each of the Applicants is registered under the 1940 Act as an open-end, diversified, management investment company. In addition, BGIT, BEF, BVIT, BCTFT and BNTFT are series funds currently consisting of two, one, eight, three and three series, respectively (the "Series"). Applicants request that the order sought hereby extend to any subsequently created Series of Applicants and any other investment company that might be subsequently created, managed and distributed by BMC, a wholly-owned subsidiary of Benham Management International, Inc. Applicants will not avail themselves of such relief except upon the terms and conditions set forth in the application.

2. The Money Market Fund invests exclusively in U.S. Treasury debt securities guaranteed by the direct "full faith and credit" pledge of the U.S. Government and is designed as a cash reserve investment vehicle. Two of BVIT's Series, U.S. Government and High Quality Money Market Portfolio, invest primarily in securities that are issued or guaranteed by the U.S. Government, its agencies or instrumentalities, and other high quality securities. One Series of BCTFT, Money Market Portfolio, invests primarily in short-term (maturity of one year or less) California municipal securities. One Series of BNTFT, Money Market Portfolio, invests primarily in short-term (one year or less) municipal securities within or of a quality comparable to, the two highest rating classifications of

either Standard & Poor's Corporation or Moody's Investors Service.

3. Applicants may have cash reserves emanating from a variety of sources, including interest received on portfolio securities, unsettled or "failed" securities transactions, cash arising from the liquidation of investment securities to meet anticipated redemptions, and new monies received from investors. According to the application, BMC will be in the best position to know at any given moment the cash reserves held by Applicants' to know the purpose and need for these reserves, and to make and implement decisions with respect to the investment of these reserves. BMC could immediately invest Applicants' uninvested monies into the Money Market Fund or Money Market Portfolios while considering the purchase of appropriate portfolio securities for Applicants. If BGIT or BEF were required to invest cash balances directly in U.S. Treasury debt securities rather than purchasing shares of the Money Market Fund, or if each Series of BVIT, BCTFT and BNTFT, other than the Money Market Portfolios, were required to invest cash balances directly in securities issued or guaranteed by the U.S. Government or municipal securities, each Applicant is likely to be adversely affected by increased transaction costs and reduced and lost investment opportunities. The relatively high transaction costs associated with making small investments in U.S. Treasury debt securities, and the frequent unavailability of such securities in small lots, often make it impractical to invest the small cash balances that Applicants often have.

4. The proposed transactions will comply with the limitations set forth in section 12(d)(1) of the 1940 Act and there will be no layering of sales charges, advisory fees or administrative expenses. BMC will receive no additional advisory fee based on the proposed investments in the Money Market Fund or Money Market Portfolios because such investments will be removed from the base upon which the advisory fee for Applicants is calculated. Benham Financial Services, Inc. ("BFS"), the Applicants' administrative services company and transfer agent, will receive no additional administrative fee based on the proposed investments in the Money Market Fund or Money Market Portfolios because such investments will be removed from the base upon which the administrative fee for Applicants is calculated. Applicants also note that the Money Market Fund and Money Market

Portfolios do not impose a fee pursuant to Rule 12b-1 plans.

5. Applicants assert that because Applicants retain the freedom to invest cash assets directly in U.S. Treasury debt securities, other securities issued or guaranteed by the U.S. Government, or municipal securities, there exists an independent check upon the investment of Applicants' assets in an investment which produces a noncompetitive rate of return. The Money Market Fund and Money Market Portfolios reserve the right to discontinue selling shares to Applicants if such sales adversely affect the portfolio management and operations of the Money Market Fund or Money Market Portfolios. In order to assure that the control of the Money Market Fund or Money Market Portfolios will not lead to any abuse, Applicants will vote their shares in the Money Market Fund and Money Market Portfolios in the same proportion as the vote of all other shareholders in the Money Market Fund and Money Market Portfolios.

Applicants' Legal Analysis

1. Applicants request an order pursuant to sections 6(c), 17(b) and 17(d) of the 1940 Act, and Rule 17d-1 thereunder, to permit BGIT and BEF to purchase shares of the Money Market Fund; the non-money market Series of BVIT, BCTFT, and BTNT to purchase shares of each Applicant's respective Money Market Portfolios; and to permit BMC to effect the purchases and sales of shares of the Money Market Fund and Money Market Portfolios by Applicants. Since the Money Market Fund and Money Market Portfolios may be deemed affiliated persons of each of the other Applicants as defined in section 2(a)(3) of the 1940 Act, the issuance by the Money Market Fund and Money Market Portfolios of their shares to BGIT, BEF, and the Series of BVIT, BCTFT, and BNTFT, respectively, may be deemed a violation of section 17(a)(1) of the 1940 Act. Conversely, the purchase of shares in the Money Market Fund and Money Market Portfolios by Applicants may be deemed a violation of section 17(a)(2). Finally, the contemplated transactions may be deemed to involve a joint arrangement requiring prior SEC approval under Rule 17d-1.

2. The proposed transactions satisfy the section 17(b) standard for exemption from section 17(a). The consideration paid and received for the sale and redemptions of shares of the Money Market Fund and Money Market Portfolios is their net asset value and therefore is reasonable and does not

involve overreaching on the part of Applicants. BMC will waive its advisory fee on that portion of Applicants' assets invested in the Money Market Fund and Money Market Portfolios. The transactions will be effected in accordance each Applicant's investment restrictions and will be consistent with the purposes of the 1940 Act.

3. Applicants' proposal provides no basis on which to predict that any Applicant, or series thereof, would receive greater benefits than another. Applicants will participate in the proposal on the same basis, and thus, none will participate in a transaction on a basis "different or less advantageous" than that of other participants. Although BMC may experience nominal cost savings and administrative convenience, the most significant benefit is the elimination of the need to invest relatively small sums of money in cash instruments. Finally, no "conflict of interest" exists between or among Applicants, and no inherent bias exists to favor one Applicant over another.

Applicants' Conditions

If the requested order is granted, Applicants agree to the following conditions:

1. The Money Market Fund and Money Market Portfolios will calculate their respective net asset values in accordance with Rule 2a-7 under the 1940 Act.

2. The Money Market Fund and Money Market Portfolios are not subject to a sales load, redemption fees, or distribution fees under a plan adopted in accordance with Rule 12b-1.

3. Applicants will comply with the requirements of Section 12(d) of the 1940 Act with respect to purchases of shares of the Money Market Fund and Money Market Portfolios under the order requested herein.

4. BFS will waive all administrative fees payable under its contracts with Applicants to the extent attributable to the net assets of the Money Market Fund and Money Market Portfolios held by them under the proposed investment policy.

5. BMC will waive all investment advisory fees payable under its contracts with Applicants to the extent attributable to the net assets of the Money Market Fund and Money Market Portfolios held by them under the proposed investment policy.

6. Applicants will vote their number of Money Market Fund and Money Market Portfolios shares in the same proportion as the votes of all other shareholders in the Money Market Fund and Money Market Portfolios.

7. The acquiring funds will purchase and redeem shares of the Money Market Fund, and BVIT, BCTFT, and BNTFT will purchase and redeem shares of their respective Money Market Portfolios, as of the same time and at the same price, and will receive dividends and bear their proportionate share of expenses on the same basis as other shareholders of the Money Market Fund and Money Market Portfolios. A separate account will be established in the shareholder records of the Money Market Fund for each acquiring fund, and in the shareholder records of the respective Money Market Portfolios for BVIT, BCTFT and BNTFT.

8. The investment in shares of the Money Market Fund and Money Market Portfolios will be in accordance with their respective investment restrictions and will be consistent with their policies as recited in their registration statements and prospectuses.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-14011 Filed 6-12-89; 8:45 am]
BILLING CODE 8010-01-M

[Release No. IC-16983; (811-4703)]

Simms Global Fund; Application

June 5, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for de-registration under the Investment Company Act of 1940 ("1940 Act").

Applicant: Simms Global Fund.
Relevant 1940 Act Section: Section 8(f) of the 1940 Act and Rule 8f-1 thereunder.

SUMMARY: Applicant requests an order under section 8(f) of the 1940 Act declaring that it has ceased to be an investment company.

Filing Dates: The application was filed on December 28, 1988, and an amendment thereto was filed on May 19, 1989.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 29, 1989, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests

should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; Applicant, 7 East 76th Street, New York, New York, 10020.

FOR FURTHER INFORMATION CONTACT: James E. Banks, Staff Attorney, (202) 272-2190, or Brion R. Thompson, Branch Chief, (202) 272-3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier, (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant was organized as a Massachusetts Business Trust in the Commonwealth of Massachusetts.

2. On June 9, 1986, Applicant filed a registration statement pursuant to Section 8(b) of the 1940 Act to register as an open-end, diversified, management investment company. Applicant filed a registration statement pursuant to the Securities Act of 1933 (the "1933 Act") in order to register an indefinite number of shares of beneficial interest of \$.001 par value. The 1933 Act registration statement became effective on December 31, 1986, and the initial public offering of Applicant's shares commenced shortly thereafter.

3. On October 10, 1988, Applicant's Board of Trustees adopted a resolution that Applicant should cease its business operations as promptly as practicable, sell no new shares, convert its portfolio assets into money market instruments so as to preserve the net asset value of Applicant's shares, and take such necessary steps following the redemption of shares to cause the Applicant to be de-registered with the SEC.

4. On October 31, 1988, substantially all of Applicant's shares were redeemed in cash at its net asset value of \$9.47 per share. Pursuant to this redemption, Applicant's administrator, The First National Bank of Boston, distributed a total of \$5,474,088.71 during the first week of November to Applicant's shareholders. Thereafter, Robert A. Simms, the Chairman of Simms Global Fund, redeemed Applicant's remaining shares on November 4 and December 28,

1988. Accordingly, Applicant has no remaining shareholders.

5. Robert A. Simms and Simms Capital Management, Ltd., Applicant's investment adviser, are responsible for paying all of the liabilities that Applicant incurred during its normal operation prior to liquidation and those liabilities incurred subsequent to the winding up of Applicant's affairs.

6. Applicant's organization expenses were being amortized over a 60 month period and charged daily in its net asset value computation. Simms Capital Management, Ltd. paid all remaining organization expenses on the Applicant's behalf.

7. Applicant is not a party to any litigation or administrative proceeding, and it does not propose to engage in any business activities other than those necessary for the winding-up of its affairs.

8. Applicant plans to file a Notice of Termination with the Secretary of State of the Commonwealth of Massachusetts.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-14012 Filed 6-12-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16982; (812-7104)]

Westcore Trust; Application

June 5, 1989

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption and Approval under the Investment Company Act of 1940 (the "1940 Act").

Applicant: Westcore Trust.

Relevant 1940 Act Sections:

Exemption requested pursuant to sections 6(c) and 17(b) from the provisions of sections 17(a) (1) and (2) and approval sought under section 17(d) and Rule 17d-1.

Summary of Application: Applicant seeks an order to permit its money market series to sell its shares to, and redeem its shares from, its other existing and subsequently created series and to permit its investment advisers to effect such purchases and sales of its money market series by its other series.

Filing Dates: The application was filed on August 23, 1988, and amended on May 17, 1989.

Hearing or Notification of Hearing:

An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a

hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 29, 1989, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; Applicant, c/o John J. Tripodi, Esq., Drinker Biddle & Reath, 1100 Philadelphia National Bank Building, Broad and Chestnut Streets, Philadelphia, PA 19107.

FOR FURTHER INFORMATION CONTACT: Paul J. Heaney, Financial Analyst (202) 272-3420, or Brion R. Thompson, Branch Chief (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch in person, or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant is a Massachusetts business trust currently registered under the 1940 Act as an open-end management investment company. Applicant has established and currently offers shares in twelve investment portfolios. Eleven of these portfolios are stock and bond funds (each individually an "Acquiring Fund" or collectively "Acquiring Funds"). The twelfth portfolio is a money market fund (the "Money Market Fund"). First Interstate Bank of Denver, N.A. ("FIBD") and First Interstate Bank of Oregon, N.A. ("FIOR") serve as investment advisers to the Acquiring Funds. FIBD and FIOR are each wholly-owned bank subsidiaries of First Interstate Bancorp, a publicly-held, multi-state bank holding company. Denver Investment Advisors, Inc. ("Denver Investment"), a wholly-owned subsidiary of FIBD, serves as sub-advisor to certain of the Acquiring Funds. In addition, Denver Investment serves as investment adviser to the Money Market Fund ("FIBD, FIOR and Denver Investment are sometimes referred to as the "Advisers"). ALPS Securities, Inc. ("ALPS") serves as administrator and distributor for the Applicant. It is requested that the order sought extend to any subsequently

created series of Applicant which will avail itself of such prospective relief only upon the terms and conditions set forth in the application.

2. The Money Market Fund invests solely in U.S. dollar denominated debt securities determined to be of high quality and present minimal credit risk, and is designed as a cash reserve investment vehicle. Each Acquiring Fund invests its assets principally in either equity or non-money market debt securities. The Acquiring Funds may have relatively small cash reserves emanating from a variety of sources, including interest and dividends received on portfolio securities, unsettled or "failed" securities transactions, reserves held for investment strategy purposes, cash arising from the liquidation of investment securities to meet anticipated redemptions, and new monies received from investors.

3. The Advisers will be in the unique and best position to know at any given moment the cash balances held by each Acquiring Fund, to know the purpose and need for these balances, and to make and implement decisions with respect to the investment of these balances. If the requested order is granted, the Advisers could immediately invest the Acquiring Funds' uninvested monies into the Money Market Fund while considering the purchase of appropriate portfolio securities for the Acquiring Funds. If each Series were required to invest small cash balances directly in money market instruments, rather than purchasing shares of the Money Market Fund, each Series is likely to be adversely affected by a lower return and reduced and lost investment opportunities. The securities in which the Acquiring Funds invest are normally unavailable in small lots and it often proves impractical to invest the small cash balances of the Acquiring Funds.

4. The proposed transactions will comply with the limitations set forth in section 12(d)(1) of the 1940 Act and will not result in layering of advisory or administrative fees. Each Acquiring Fund has agreed to pay an advisory fee to the Advisers; however, the Money Market Fund does not pay an advisory fee. ALPS, as administrator and distributor for both the Acquiring Funds and the Money Market Fund, is entitled to receive fees from each portfolio for its administrative services at a maximum annual rate of .05 percent of the average net assets of each Acquiring Fund. (ALPS is not entitled to any fee for its services as distributor.) ALPS will waive its administrative fees with respect to

the Acquiring Funds to the extent attributable to the net assets of the Money Market Fund held by the Acquiring Funds. To effect the waiver, the net asset value of each Acquiring Fund's holdings in the Money Market Fund will be excluded from the net asset value of the Acquiring Fund in the calculation of its fees. Similarly, should the Money Market Fund ever pay an advisory fee to the Advisers in the future, advisory fees payable by the Acquiring Funds to the Advisers would be waived in a manner identical to the waiver proposed above for administrative fees. The Money Market Fund does not impose a fee pursuant to a plan adopted under Rule 12b-1 under the 1940 Act. Since the Acquiring Funds retain the freedom to invest some or all of their cash balances directly in money market instruments, there exists an independent check upon the investment of the Acquiring Funds' assets in an investment which produces a non-competitive rate of return. Conversely, the Money Market Fund reserves the right to discontinue selling shares to the Acquiring Funds if such sales adversely affect its portfolio management and operations.

Applicant's Legal Analysis

1. Applicant requests an order pursuant to sections 6(c), 17(b) and 17(d) of the 1940 Act, and Rule 17d-1 thereunder, to permit the Money Market Fund to sell to, and redeem its shares from, the Acquiring Funds and to permit the Advisers, to effect such purchases and sales of shares of the Money Market Fund by the Acquiring Funds. Because the Applicant's series are controlled by the same Board of Trustees, and have the same administrator and distributor and also have affiliated Advisers, the Money Market Fund and Acquiring Funds may be deemed affiliated persons within the meaning of section 2(a)(3) of the 1940 Act. Therefore, the issuance of Money Market Fund shares to the Acquiring Funds may be deemed a sale of securities to registered investment companies by an affiliated person of such companies in violation of section 17(a)(1) of the 1940 Act. Conversely, the redemption by Money Market Fund of its shares may be deemed a purchase of securities by a registered investment company from affiliated persons thereof, in violation of section 17(a)(2) of the 1940 Act. Finally, the contemplated transactions may be deemed a joint arrangement requiring prior SEC approval under Rule 17d-1.

2. The proposed transactions satisfy the section 17(b) standard for exemption from section 17(a). In this regard, Applicant points out that the

consideration paid and received for the sale and redemption of Money Market Fund shares is their net asset value and therefore is reasonable and does not involve overreaching on the part of the Acquiring Funds or the Money Market Fund. Moreover, the proposed arrangement does not involve the imposition of double advisory or administrative fees on the Acquiring Funds. Applicant also submits that the investment of the Acquiring Funds in Money Market Fund shares and issuance of Money Market Fund shares to the Acquiring Funds is consistent with their policies as recited in the Applicant's prospectuses.

3. Applicant contends that it has considered the relative benefits to the Acquiring Funds and to the Money Market Fund to be derived from the proposed arrangement and determined that operating in this proposed manner would be beneficial to each series and that there is no basis on which to predict greater benefit to any one series than to another. Applicant also contends that the Acquiring Funds participate in the arrangement on the same basis with one another and do not participate on a basis which is different from or less advantageous than one another. Applicant represents that to the extent the Money Market Fund participates on a basis which is different from or less advantageous than (or more advantageous than) the Acquiring Funds, the relative advantages and/or disadvantages vary randomly over time are within a range of fairness. Applicant notes that although the Acquiring Funds may derive administrative convenience and a nominal cost savings, the most significant benefit to the Acquiring Funds is the elimination of the need to maintain relatively small sums of money in cash. Finally, Applicant contends there are no "conflicts of interest" between or among the series, and there is no inherent bias favoring one series over another.

Applicant's Conditions

If the requested order is granted, Applicant agrees to the following conditions:

1. The Money Market Fund will calculate its net asset value in accordance with Rule 2a-7 of the 1940 Act.
2. The Money Market Fund is not subject to a sales load, redemption fees, investment advisory fees, or distribution fees under a plan adopted in accordance with Rule 12b-1 of the 1940 Act.
3. Each Acquiring Fund will purchase shares of the Money Market Fund within the limits of section 12(d) of the 1940 Act.

4. ALPS will waive its administrative fees with respect to the Acquiring Funds to the extent attributable to the net assets of the Money Market Fund held by the Acquiring Funds.

5. The Applicant will vote the number of Money Market Fund shares that are owned by the Acquiring Funds and are entitled to vote in regard to such matter in the same proportion as the votes of all other Money Market Fund shareholders.

6. The Acquiring Funds will purchase and redeem shares of the Money Market Fund as of the same time and at the same price, and will receive dividends and bear their proportionate share of expenses on the same basis, as other shareholders of the Money Market Fund. A separate account will be established in the shareholder records of the Money Market Fund for each Acquiring Fund.

7. The investment by the Acquiring Funds in shares of the Money Market Fund will be in accordance with each Fund's investment restrictions and will be consistent with their policies as recited in each Fund's registration statement and prospectus.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-14013 Filed 6-12-89; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7107]

Issuer Delisting; Application To Withdraw From Listing and Registration; Louisiana-Pacific Corp.

June 5, 1989.

Louisiana-Pacific Corporation ("Company") (Common Stock, \$ par value), has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Pacific Stock Exchange ("PSE"). The Company's Common Stock is also listed on the New York Stock Exchange, Inc. ("NYSE")

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

While the Company has been generally satisfied with the service provided by the PSE, its analysis indicates that the costs of continued listing of the Common Stock on the PSE outweigh the benefits. The Company's

Common Stock is also listed on the New York Stock Exchange ("NYSE"). The Company believes that delisting from the PSE will not adversely affect holders of its Common Stock. Since approximately 98 percent of the trading volume of the Company's Common Stock occurs on the NYSE, the liquidity of the Common Stock should not be significantly impacted.

Any interested person may, on or before June 26, 1989, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2354; Amdt. 2]

Louisiana (and Contiguous Counties in the State of Texas & Arkansas); Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with the Notice of Amendment to the President's declaration, dated June 1, 1989, to include the parish of Winn, in the State of Louisiana, as a result of damages from severe storms and flooding which occurred May 4 through May 27, 1989.

All counties contiguous to the above-named primary county have previously been named as contiguous or primary counties for the same occurrence.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on July 18, 1989, and for economic injury until the close of business on February 20, 1990.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: June 7, 1989.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-13978 Filed 6-12-89; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2354; Amdt. 1]

Louisiana (and Contiguous Counties in the States of Texas & Arkansas); Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with the Notices of Amendment to the President's declaration, dated May 26 and May 30, 1989, to include the parishes of Allen, Beauregard, Caddo, Caldwell, Calcasieu, Lincoln, Morehouse, Natchitoches, Red River, Richland, Sabine, Union, Vernon, and West Carroll, in the State of Louisiana, as a result of damages from severe storms and flooding, and to establish the incident period as May 4 through May 27, 1989.

In addition, applications for economic injury from small businesses located in the contiguous parishes of Bienville, Bossier, Cameron, Catahoula, Claiborne, De Soto, East Carroll, Evangeline, Franklin, Grant, Jefferson Davis, LaSalle, Madison, Rapides, and Winn, in the State of Louisiana; the counties of Ashley, Chicot, Lafayette, Miller, and Union, in the State of Arkansas; and the counties of Cass, Marion, Newton, Orange, and Sabine, in the State of Texas, may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

The number assigned to the State of Arkansas for economic injury is 676900.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on July 18, 1989, and for economic injury until the close of business on February 20, 1990.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: June 1, 1989.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-13936 Filed 6-12-89; 8:45 am]

BILLING CODE 8015-01-M

[Declaration of Disaster Loan Area #2353; Amdt. 2]

Texas; (and Contiguous Counties in the State of Oklahoma); Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in order to assign economic injury disaster declaration number 676800 to the State of Oklahoma

for small businesses eligible to file applications for economic injury as a result of damages from severe storms, tornadoes, and flooding beginning on May 4, 1989.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on July 17, 1989, and for economic injury until the close of business on February 20, 1990.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: June 1, 1989.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-13937 Filed 6-12-89; 8:45 am]

BILLING CODE 8015-01-M

Action Subject to Intergovernmental Review

AGENCY: Small Business Administration.

ACTION: Notice of action subject to Intergovernmental Review Under Executive Order 12372.

SUMMARY: This notice provides for public awareness of SBA's intention to refund seventeen presently existent Small Business Development Centers (SBDCs) on October 1, 1989. Currently there are 53 SBDCs operating in the SBDC program. The following SBDCs are intended to be refunded, subject to the availability of funds: Alabama, Alaska, Connecticut, Delaware, Maryland, Mississippi, Missouri, New York (Downstate), North Dakota, Ohio, Puerto Rico, Texas (Dallas), Texas (Lubbock), Texas (San Antonio), Virgin Islands, West Virginia and Wyoming. This notice also provides a description of the SBDC program by setting forth a condensed version of the program announcement which has been furnished to each of the SBDCs to be refunded. This publication is being made to provide the State single points of contact, designated pursuant to Executive Order 12372, and other interested State and local entities, the opportunity to comment on the proposed refunding in accord with the Executive Order and SBA's regulations found at 13 CFR Part 135.

EFFECTIVE DATE: October 11, 1989.

ADDRESSES: Comments should be addressed to Ms. Janice E. Wolfe, Associate Administrator for SBDC Program, U.S. Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Same as above.

Action Subject to Intergovernmental Review

SBA is bound by the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs." SBA has promulgated regulations spelling out its obligations under that Executive Order. See 13 CFR Part 135, effective September 30, 1983.

In accord with these regulations, specifically 135.4, SBA is publishing this notice to provide public awareness of the pending application of fifteen presently existent Small Business Development Centers (SBDCs) for refunding. Also, published herewith is an annotated program announcement describing the SBDC program in detail.

This notice is being published four months in advance of the expected date of refunding of these SBDCs. Relevant information identifying these SBDC and providing their mailing address is provided below. In addition to this publication, a copy of this notice is being simultaneously furnished to each affected State single point of contact which has been established under the Executive Order.

The State single points of contact and other interested State and local entities are expected to advise the relevant SBDC of their comments regarding the proposed refunding in writing as soon as possible. The SBDC proposal cannot be inconsistent with any area-wide plan providing assistance to small business, if there is one, which has been adopted by an agency recognized by the State government as authorized to do so. Copies of such written comments should also be furnished to Ms. Janice E. Wolfe, Associate Administrator for SBDC Programs, U.S. Small Business Administration, 1441 L Street, NW., Washington, DC 20416. Comments will be accepted by the relevant SBDC and SBA for a period of 120 days from the date of publication of this notice. The relevant SBDC will make every effort to accommodate these comments during the 120-day period. If the comments cannot be accommodated by the relevant SBDC, SBA will, prior to refunding the SBDC, either attain accommodation of any comments or furnish an explanation of why accommodation cannot be attained to the commentator prior to refunding the SBDC.

Description of the SBDC Program

The SBDC operates under the general management and oversight of SBA, but with recognition that a partnership exists between the Agency and the SBDC for the delivery of assistance to the small business community. SBDC

services shall be provided pursuant to a negotiated Cooperative Agreement with full participation of both parties. SBDCs operate on the basis of a state plan to provide assistance within a state or designated geographical area. The initial plan must have the written approval of the Governor. As a condition to any financial award made to an applicant, non-Federal funds must be provided from sources other than the Federal Government. SBDCs operate under the provisions of Pub. L. 96-302, as amended by Pub. L. 98-395, a Notice of Award (Cooperative Agreement) issued by SBA, and the provisions of this Program Announcement.

Purpose and Scope

The SBDC Program is designed to provide quality assistance to small businesses in order to promote growth, expansion, innovation, increased productivity and management improvement. To accomplish these objectives, SBDCs link resources of the Federal, State, and local governments with the resources of the educational system and the private sector to meet the specialized and complex needs of the small business community. SBDCs also coordinate with other SBA programs of business development and utilize the expertise of these affiliated resources to expand services and avoid duplication of effort.

Program Objectives

The overall objective of the SBDC Program is to leverage Federal dollars and resources with those of the state, academic community and private sector to:

- (a) Strengthen the small business community;
- (b) Contribute to the economic growth of the communities served;
- (c) Make assistance available to more small businesses than is now possible with present Federal resources;
- (d) create a broader based delivery system to the small business community.

SBDC Program Organization

SBDCs are organized to provide maximum services to the local small business community. The lead SBDC receives financial assistance from the SBA to operate a statewide SBDC Program. In states where more than one organization receives SBA financial assistance to operate an SBDC, each lead SBDC is responsible for Program operations throughout a specific regional area to be served by the SBDC. The lead SBDC is responsible for establishing a network of SBDC subcenters to offer service coverage to the small business community. The SBDC network is

managed and directed by a full-time Director. SBDCs must ensure that at least 80 percent of Federal funds provided are used to provide services to small businesses. To the extent possible, SBDCs provide services by enlisting volunteer and other low cost resources on a statewide basis.

SBDC Services

The specific types of services to be offered are developed in coordination with the SBA district office which has jurisdiction over a given SBDC. SBDCs emphasize the provision of indepth, high-quality assistance to small business owners or prospective small business owners in complex areas that require specialized expertise. These areas may include, but are not limited to: management, marketing, financing, accounting, strategic planning, regulation and taxation, capital formation, procurement assistance, human resource management, production, operations, economic and business data analysis, engineering, technology transfer, innovation and research, new product development, product analysis, plant layout and design, agri-business, computer application, business law information, and referral (any legal services beyond basic legal information and referral require the endorsement of the State Bar Association,) exporting, office automation, site selection, or any other areas of assistance required to promote small business growth, expansion, and productivity within the State. The SBDC shall also ensure that a full range of business development and technical assistance services are made available to small businesses located in rural areas.

The degree to which SBDC resources are directed towards specific areas of assistance is determined by local community needs, SBA priorities and SBDC Program objectives and agreed upon by the SBA district office and the SBDC.

The SBDC must offer quality training to improve the skills and knowledge of existing and prospective small business owners. As a general guideline, SBDCs should emphasize the provision of training in specialized areas other than basic small business management subjects. SBDCs should also emphasize training designed to reach particular audiences such as members of SBA priority and special emphasis groups.

SBDC Program Requirements

The SBDC is responsible to the SBA for ensuring that all programmatic and financial requirements imposed upon

them by statute or agreement are met. The SBDC must assure that quality assistance and training in management and technical areas are provided to the State small business community through the State SBDC network. As a condition of this agreement, the SBDC must perform, but not be limited to, the following activities:

(a) The SBDC ensures that services are provided as close as possible to small business population centers. This is accomplished through the establishment of SBDC subcenters.

(b) The SBDC ensures that lists of local and regional private consultants are maintained at the lead SBDC and each SBDC subcenter. The SBDC utilizes and provides compensation to qualified small business vendors such as private management consultants, private consulting engineers, and private testing laboratories.

(c) The SBDC is responsible for the development and expansion of resources within the State, particularly the development of new resources to assist small business that are not presently associated with the SBA district office.

(d) The SBDC ensures that working relationships and open communications exist within the financial and investment communities, and with legal associations, private consultants, as well as small business groups and associations to help address the needs of the small business community.

(e) The SBDC ensures that assistance is provided to SBA special emphasis groups throughout the SBDC network. This assistance shall be provided to veterans, women, exporters, the handicapped, and minorities as well as any other groups designated a priority by SBA. Services provided to special emphasis groups shall be performed as part of the Cooperative Agreement.

Advance Understandings

The Lead SBDC and all SBDC subcenters shall operate on a forty (40) hour week basis, or during the normal business hours of the State or Host Organization, throughout the calendar year. The amount of time allowed the Lead SBDC and subcenters for staff vacations and holidays shall conform to the policy of the Host organization.

Date: June 1, 1989.

Susan Engeleiter,
Administrator.

Addressess of Relevant SBDC Directors

Dr. Jeff Gibbs, State Director, University of Alabama/B'ham, 1717 11th Ave. South, Suite 419, Birmingham, Alabama 35294, (205) 934-7260

Mr. John O'Connor, State Director, University of Connecticut, Box U-41, Room 422, 368 Fairfield Road, Storrs, Connecticut 06268, (203) 486-4135

Ms. Linda Fayerweather, State Director, University of Delaware, Suite 005—Purnell Hall, Newark, Delaware 19711, (302) 451-2747

Ms. Carole Bordenkircher, State Director, ND Economic Dev. Commission, Liberty Memorial Building, Bismarck, North Dakota 58505, (701) 224-2810

Mr. Jose Romaguera, SBDC Director, University of Puerto Rico, Box 5253—College Station, Mayaguez, Puerto Rico 00709, (809) 834-3590 or 834-3790

Mr. Ted Cadou, Area Director, Texas Tech University, 2005 Broadway, Lubbock, Texas 79401, (806) 744-5343

Dr. Solomon Kabuka, Jr., SBDC Director, University of the Virgin Islands, Grand Hotel Building, Annex B, P.O. Box 1087, St. Thomas, US Virgin Islands, 00804, (809) 776-3206

Ms. Janet Nye, State Director, University of Alaska/Anchorage, 430 West 7th Avenue, Suite 115, Anchorage, Alaska 99501, (907) 274-7232

Mr. Raleigh Byars, Acting State Director, University of Mississippi, 3825 Ridgewood Road, Jackson, Mississippi 39211, (601) 982-6760

Mr. James L. King, State Director, State University of New York, SUNY (Downstate), SUNY Plaza, S-523, Albany, New York 12246, (518) 443-5398

Mr. Jack Brown, State Director, Ohio Department of Development, 30 East Broad Street, Columbus, Ohio 43266-1001, (614) 466-5111

Dr. Norbert R. Dettman, Area Director, Dallas Community College, 302 North Market, Third Floor, Dallas, Texas 75202-1806, (214) 324-7945

Mr. Henry Travieso, Area Director, University of Texas/San Antonio, San Antonio, Texas 78285-0660, (512) 224-0791

Ms. Eloise Jack, State Director, Governor's Office of Community and Industrial Development, 1115 Virginia Street, East Charleston, West Virginia 25310, (304) 348-2960

Mr. MacRay Bryant, State Director, Casper Community College, 130 North Ash, Suite A, Casper, Wyoming 82601, (307) 235-4825

Mr. Thomas A. Henderson, Director, Economic Development/Continuing Education Programs, University Extension, University of Missouri, 801 Clark Hall, Columbia, Missouri 65211, (314) 882-4321

Mr. A. Elliott Rittenhouse, State Director, MD Department of Economic and Employment Development, 217 East Redwood Street, 10th Floor,

Baltimore, Maryland 21202, (301) 333-6608.

[FR Doc. 89-13932 Filed 6-12-89; 8:45 am]

BILLING CODE 8025-01-M

Action Subject to Intergovernmental Review

AGENCY: Small Business Administration.

ACTION: Notice of action subject to intergovernmental review under Executive Order 12372.

SUMMARY: This notice provides for public awareness of SBA's intention to refund eight presently existent Small Business Development Centers (SBDCs) on September 30, 1989. Currently there are 53 SBDCs operating in the SBDC program. The following SBDCs are intended to be refunded: Iowa, Kentucky, Louisiana, Massachusetts, Michigan, New York (Upstate), Texas (Houston), and Vermont. This notice also provides a description of the SBDC program by setting forth a condensed version of the program announcement which has been furnished to each of the SBDCs to be refunded. This publication is being made to provide the State single points of contact, designated pursuant to Executive Order 12372, and other interested State and local entities, the opportunity to comment on the proposed refunding in accord with the Executive Order and SBA's regulations found at 13 CFR Part 135.

EFFECTIVE DATE: October 11, 1989.

ADDRESSES: Comments should be addressed to Ms. Janice E. Wolfe, Associate Administrator for SBDC Program, U.S. Small Business Administration, 1441 L Street, NW., Wash. DC 20416.

FOR FURTHER INFORMATION CONTACT: Same as above.

Action Subject to Intergovernmental Review

SBA is bound by the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs." SBA has promulgated regulations spelling out its obligations under that Executive Order. See 13 CFR Part 135, effective September 30, 1983.

In accord with these regulations, specifically 135.4, SBA is publishing this notice to provide public awareness of the pending application of nine presently existent Small Business Development Centers (SBDCs) for refunding. Also, published herewith is an annotated program announcement describing the SBDC program in detail.

This notice is being published four months in advance of the expected date of refunding these SBDCs. Relevant information identifying these SBDCs and providing their mailing address is provided below. In addition to this publication, a copy of this notice is being simultaneously furnished to the affected State single point of contact which has been established under the Executive Order.

The State single points of contact and other interested State and local entities are expected to advise the relevant SBDC of their comments regarding the proposed refunding in writing as soon as possible. The SBDC proposal cannot be inconsistent with any area-wide plan providing assistance to small business, if there is one, which has been adopted by an agency recognized by the State government as authorized to do so. Copies of such written comments should also be furnished to Ms. Janice E. Wolfe, Associate Administrator for SBDC Programs, U.S. Small Business Administration, 1441 L Street, NW., Washington, DC 20418. Comments will be accepted by the relevant SBDC and SBA for a period of 120 days from the date of publication of this notice. The relevant SBDC will make every effort to accommodate these comments during the 120-day period. If the comments cannot be accommodated by the relevant SBDC, SBA will, prior to refunding the SBDC, either attain accommodation of any comments or furnish an explanation of why accommodation cannot be attained to the commentator prior to refunding the SBDC.

Description of the SBDC Program

The SBDC operates under the general management and oversight of SBA, but with recognition that a partnership exists between the Agency and the SBDC for the delivery of assistance to the small business community. SBDC services shall be provided pursuant to a negotiated Cooperative Agreement with full participation of both parties. SBDCs operate on the basis of a state plan to provide assistance within a state or designated geographical area. The initial plan must have the written approval of the Governor. As a condition to any financial award made to an applicant, non-Federal funds must be provided from sources other than the Federal Government. SBDCs operate under the provisions of Pub. L. 96-302, as amended by Pub. L. 98-395, a Notice of Award (Cooperative Agreement) issued by SBA, and the provisions of this Program Announcement.

Purpose and Scope

The SBDC Program is designed to provide quality assistance to small businesses in order to promote growth, expansion, innovation, increased productivity and management improvement. To accomplish these objectives, SBDCs link resources of the Federal, State, and local governments with the resources of the educational system and the private sector to meet the specialized and complex needs of the small business community. SBDCs also coordinate with other SBA programs of business development and utilize the expertise of these affiliated resources to expand services and avoid duplication of effort.

Program Objectives

The overall objective of the SBDC Program is to leverage Federal dollars and resources with those of the state, academic community and private sector to:

- (a) Strengthen the small business community;
- (b) Contribute to the economic growth of the communities served;
- (c) Make assistance available to more small businesses than is now possible with present Federal resources;
- (d) Create a broader based delivery system to the small business community.

SBDC Program Organization

SBDCs are organized to provide maximum services to the local small business community. The lead SBDC receives financial assistance from the SBA to operate a statewide SBDC Program. In states where more than one organization receives SBA financial assistance to operate an SBDC, each lead SBDC is responsible for Program operations throughout a specific regional area to be served by the SBDC. The lead SBDC is responsible for establishing a network of SBDC subcenters to offer service coverage to the small business community. The SBDC network is managed and directed by a full-time Director. SBDCs must ensure that at least 80 percent of Federal funds provided are used to provide services to small businesses. To the extent possible, SBDCs provide services by enlisting volunteer and other low cost resources on a statewide basis.

SBDC Services

The specific types of services to be offered are developed in coordination with the SBA district office which has jurisdiction over a given SBDC. SBDCs emphasize the provision of in-depth, high-quality assistance to small business owners or prospective small business

owners in complex areas that require specialized expertise.

These areas may include, but are not limited to: Management, marketing, financing, accounting, strategic planning, regulation and taxation, capital formation, procurement assistance, human resource management, production, operations, economic and business data analysis, engineering, technology transfer, innovation and research, new product development, product analysis, plant layout and design, agri-business, computer application, business law information, and referral (any legal services beyond basic legal information and referral require the endorsement of the State Bar Association), exporting, office automation, site selection, or any other areas of assistance required to promote small business growth, expansion, and productivity within the State. The SBDC shall also ensure that a full range of business development and technical assistance services are made available to small businesses located in rural areas.

The degree to which SBDC resources are directed towards specific areas of assistance is determined by local community needs, SBA priorities and SBDC Program objectives and agreed upon by the SBA district office and the SBDC.

The SBDC must offer quality training to improve the skills and knowledge of existing and prospective small business owners. As a general guideline, SBDCs should emphasize the provision of training in specialized areas other than basic small business management subjects. SBDCs should also emphasize training designed to reach particular audiences such as members of SBA priority and special emphasis groups.

SBDC Program Requirements

The SBDC is responsible to the SBA for ensuring that all programmatic and financial requirements imposed upon them by statute or agreement are met. The SBDC must assure that quality assistance and training in management and technical areas are provided to the State small business community through the State SBDC network. As a condition of this agreement, the SBDC must perform, but not be limited to, the following activities:

- (a) The SBDC ensures that services are provided as close as possible to small business population centers. This is accomplished through the establishment of SBDC subcenters.
- (b) The SBDC ensures that lists of local and regional private consultants are maintained at the lead SBDC and

each SBDC subcenter. The SBDC utilizes and provides compensation to qualified small business vendors such as private management consultants, private consulting engineers, and private testing laboratories.

(c) The SBDC is responsible for the development and expansion of resources within the State, particularly the development of new resources to assist small businesses that are not presently associated with the SBA district office.

(d) The SBDC ensures that working relationships and open communications exist within the financial and investment communities, and with legal associations, private consultants, as well as small business groups and associations to help address the needs of the small business community.

(e) The SBDC ensures that assistance is provided to SBA special emphasis groups throughout the SBDC network. This assistance shall be provided to veterans, women, exporters, the handicapped, and minorities as well as any other groups designated a priority by SBA. Services provided to special emphasis groups shall be performed as part of the Cooperative Agreement.

Advance Understandings

The Lead SBDC and all SBDC subcenters shall operate on a forty (40) hour week basis, or during the normal business hours of the State or Host Organization, throughout the calendar year. The amount of time allowed the Lead SBDC and subcenters for staff vacations and holidays shall conform to the policy of the Host organization.

Date: May 31, 1989.

Susan Engeleiter,
Administrator.

Addressess of Relevant SBDC Directors

Mr. Norris Elliott, State Director,
University of Vermont Extension
Service, Morrill Hall, Burlington,
Vermont 05405, (802) 656-4479

Mr. Jerry Owen, State Director,
University of Kentucky, 18 Porter
Building, Lexington, Kentucky 40506-
0205, (606) 257-7668

Mr. John Ciccarella, State Director,
University of Massachusetts School of
Management, Amherst, Massachusetts
01003, (413) 549-4930—Ext. 303

Mr. James L. King, State Director, State
University of New York, SUNY
(Upstate), State University Plaza,
Albany, New York 12246, (518) 443-
5398

Mr. Ronald Manning, State Director,
Iowa State University, College of
Business Administration, 137 Lynn
Avenue, Ames, Iowa 50010, (515) 292-
6351

Dr. John Baker, State Director, Northeast
Louisiana University, Administrative
Bldg.—Room 2-57, University Drive,
Monroe, Louisiana 71209, (318) 342-
2464

Dr. Norman Schlafmann, State Director,
Wayne State University, 2727 Second
Avenue, Detroit, Michigan 48201, (313)
577-4848

Dr. Jon Goodman, Area Director,
University of Houston, 401 Louisiana,
Eighth Floor, Houston, Texas 77002,
(713) 223-1141.

[FR Doc. 89-13933 Filed 6-12-89; 8:45 am]

BILLING CODE 8025-01-M

United Jersey Venture Capital, Inc.; Surrender of License

[License No. 02/02-0489]

Notice is hereby given that United Jersey Venture Capital, Inc. (UJVC), 301 Carnegie Center, Princeton, New Jersey 08540, has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act) UJVC was licensed by the Small Business Administration on January 20, 1987.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the License was accepted on June 5, 1989, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance
Program No 59.011, Small Business
Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for
Investment.

Dated: June 7, 1989.

[FR Doc. 89-13935 Filed 6-12-89; 8:45 am]

BILLING CODE 8015-01-M

[Application No 09/09-5384]

Vinh An Capital Investment, Inc.; Application for a Small Business Investment Company License

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C 661, et. seq. 1989)) has been filed by Vinh An Capital Investment, Inc. (the Applicant), 9191 Bolsa Avenue, Suite 116 Westminister, CA 92683, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1989).

The officers, directors and stockholders of the Applicant are as follows:

Name and address	Title	Percent of capital stock
Tuong Van Nguyen, 9191 Bolsa Ave. #117, Westminister, CA 92683.	Chairman of the Board, Director.	28
Sandy Louis Ward, 8454 Mercury Dr., Buena Park, CA 90621.	President.....	0
Dung Mercier, 1900 E Fourth St., #203, Santa Ana, CA 92705.	Secretary, Director, CFO.	9
Trong Van Nguyen, 2317 W. First St., Santa Ana, CA 92703.	Director.....	9

There are six other stockholders, each has a nine percent interest in the applicant.

The Applicant a California Corporation, will begin operations with \$1,000,000 of paid-in capital and paid-in surplus. The Applicant will conduct its activities primarily in the State of California but will consider investments in businesses in other areas of the United States.

As an SBIC under section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantage.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed Application. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, DC 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Westminister, CA area.

(Catalog of Federal Domestic Assistance Program No 59.011, Small Business Investment Companies)

Robert G. Lineberry,
Deputy Associate Administrator for
Investment.

Dated: June 6, 1989.

[FR Doc. 89-13934 Filed 6-12-89; 8:45 am]

BILLING CODE 8015-01-M

DEPARTMENT OF STATE

[Public Notice CM-8-1289]

Advisory Committee on International Communications and Information Policy; Meeting

The Department of State announces that the Advisory Committee on International Communications and Information Policy will meet on July 17 in the Loy Henderson Conference Room, Department of State, 2201 C Street NW., Washington, DC. The meeting will begin at 9:30 a.m.

The Committee serves the Department of State in an advisory capacity concerning major economic, social and legal issues and problems in international communications and information policy, especially as these issues and problems involve users of information and communications services, providers of such services, technology research and development, foreign industrial and regulatory policy and the activities of international organizations with regard to communications and information, and developing country interests.

The agenda will include a consideration of two issues. The first topic will be a discussion of telecommunications developments related to EC 1992. The second topic will be a discussion of the proposed EC directive on broadcasting.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the

Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mrs. Lucy H. Richards, Department of State, Washington, DC, telephone (202) 647-5230.

Date: June 2, 1989.

Lucy H. Richards,
Director, Office of Industrialized Country Policy, Executive Secretary, Advisory Committee on International Communications and Information Policy.

[FR Doc. 89-14041 Filed 6-12-89; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Columbia Pacific Airlines

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 89-6-12, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find Columbia Pacific Airlines fit, willing, and able to provide commuter air service under section 419(e)(1) of the Federal Aviation Act.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, P-56, Room 6401, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than June 22, 1989.

FOR FURTHER INFORMATION CONTACT: Ms. Janet A. Davis, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366-9730.

Dated: June 7, 1989.

Patrick V. Murphy, Jr.,
Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 89-13919 Filed 6-12-89; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: June 7, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0056

Form Number: 1023 and 872-C

Type of Review: Revision

Title: Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code; Consent Fixing Period of Limitation Upon Assessment of Tax Under section 4940 of the Internal Revenue Code

Description: Form 1023 is filed by applicants seeking Federal income tax exemption as organizations described in section 501(c)(3). IRS uses the information to determine if the applicant is exempt and whether applicant is a private foundation. Form 872-C extends the statute of limitations for assessing tax under section 4940.

Respondents: Non-profit institutions
Estimated Number of Respondents: 40,670

Estimated Burden Hours Per Response/Recordkeeping:

	Form 1023	Form 872-C
Recordkeeping.....	54 hrs. 17 mins.	1 hr. 12 mins.
Learning about the law or the form.....	4 hrs. 41 mins.	24 mins.
Preparing and sending the form to IRS.....	9 hrs. 22 mins.	26 mins.

Frequency of Response: On occasion
Estimated Total Recordkeeping/
Reporting Burden: 2,638,844 hours

OMB Number: 1545-0217

Form Number: 5735 and Schedule P
Type of Review: Revision
Title: Computation of Possessions
Corporation Tax Credit Allowed Under

section 936; Allocation of Income and Expenses Under section 936(h)(5)
Description: Form 5735 is used to compute the possessions tax credit under section 936. Schedule P is used by

corporations that elect to share the income or expenses with their affiliates. Each form provides the IRS with information to determine if the corporations have correctly computed

the tax credit and the cost-sharing or profit-split method.

Respondents: Businesses or other for-profit

Estimated Number of Respondents:
1,371

Estimated Burden/Hours Per Response/Recordkeeping:

	Form 5735	Schedule P (Form 5733)
Recordkeeping	12 hrs. 12 mins.	10 hrs. 2 mins.
Learning about the law or the form	2 hrs. 11 mins.	1 hr. 56 mins.
Preparing and sending the form to IRS	2 hrs. 29 mins.	
Preparing the form		4 hours 2 minutes.
Copying, assembling, and sending the form to IRS		32 minutes.

Frequency of Response: Annually
Estimated Total Recordkeeping/Reporting Burden: 22,929 hours

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Officer of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 89-13976 Filed 6-12-89; 8:45 am]
BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: June 7, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New
Form Number: None

Type of Review: New Collection

Title: 1989 Taxpayer Opinion Survey

Description: IRS needs to obtain trend data, that will enable the Service to monitor and evaluate the effectiveness of current tax policies and programs. Questions are duplicated from previous surveys and directed toward the general taxpaying population. Some new questions are also added.

Respondents: Individuals or households

Estimated Number of Respondents:
4,000

Estimated Burden/Hours Per Response: 37 minutes

Frequency of Response: One Time Only: Survey

Estimated Total Reporting Burden:
1,700 hours

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Officer of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Department Reports, Management Officer.
[FR Doc. 89-13977 Filed 6-12-89; 8:45 am]
BILLING CODE 4810-25-M

[General Counsel Designation No. 158]

Appointment of Members of the Legal Division to the Performance Review Board

Under the authority granted to me as General Counsel of the Department of the Treasury by 31 U.S.C. 301 and 26 U.S.C. 7801, Treasury Department Order No. 101-5 (Revised), and pursuant to the Civil Service Reform Act, I hereby appoint the following persons to the Legal Division Performance Review Board:

(1) For the General Counsel Panel—
Jeanne S. Archibald, Deputy General Counsel, who shall serve as Chairperson;

Russell L. Munk, Assistant General Counsel (International Affairs);

Kenneth R. Schmalzbach, Assistant General Counsel (Administrative and General Law);

Paul Allan Schott, Chief Counsel, Office of the Comptroller of the Currency;

Leonard B. Terr, International Tax Counsel;

Marvin J. Dessler, Chief Counsel, Bureau of Alcohol, Tobacco, and Firearms; and

Michael T. Schmitz, Chief Counsel, United States Customs Service.

(2) For the Internal Revenue Service Panel—
Chairperson, Deputy Chief Counsel, IRS; Deputy General Counsel; Two Associate Chief Counsel, IRS; and Two Regional Counsel, IRS.

I hereby delegate to the Chief Counsel of the Internal Revenue Service the authority to make the appointments to the IRS Panel specified in this Designation and to make the publication of the IRS Panel as required by 5 U.S.C. 4314(c)(4).

Edith E. Holiday,
General Counsel.

Date: June 6, 1989.
[FR Doc. 89-13912 Filed 6-12-89; 8:45 am]
BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

1990-91 Fulbright Teacher Exchange Program

The United States Information Agency announces the 1990-91 Fulbright Teacher Exchange Program. Applications are invited from elementary and secondary school teachers and administrators and college faculty to teach in schools or colleges or to attend seminars abroad under the Mutual Educational and Cultural (Fulbright) Exchange Act of 1961. Not all categories of applicants are eligible for exchange or seminar positions with all countries. Eligibility requirements include: (1) U.S. citizenship; (2) bachelor's degree; (3) three years of full-time teaching experience for teaching positions; two years full-time teaching experience for seminar positions; (4) current full-time employment in appropriate subject areas and at appropriate teaching level for which application is made; and (5) fluency in foreign languages for certain non-English speaking countries. Participating countries are announced on a tentative basis: Argentina, Belgium/Luxembourg, Bulgaria, Canada, Chile, Colombia, Cyprus, Denmark, Egypt, Federal

Republic of Germany, France, Hungary, Iceland, Italy, Mexico, The Netherlands, Norway, the Philippines, Poland, Portugal, Senegal, South Africa, Switzerland, Turkey, and United Kingdom. Usually, U.S. and foreign teachers exchange teaching positions are for one academic year. U.S. and foreign teachers continue to receive a salary from their home institutions. A limited number of one-way teaching assignments are also available. In addition, seminars are presently planned in Italy and The Netherlands. Participants in seminars may be provided with transportation, room, board, and/or tuition, depending on the program. Applications for the 1990-91 competition must be submitted by October 15, 1989. The application packet is disseminated in August and September. Further information should be requested from the: Fulbright Teacher Exchange Program, E/ASX, United States Information Agency, 301 4th St. SW., Washington, DC 20547, (202) 485-2555.

Guy Story Brown,

Director, Office of Academic Programs.

Date: May 30, 1989.

[FR Doc. 89-13943 Filed 6-12-89; 8:45 am]

BILLING CODE 8230-01-M

A Grants Program for Private Not-for-Profit Organizations in Support of International Educational and Cultural Activities

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The program is designed to increase mutual understanding between the people of the United States and Afghanistan and to strengthen the ties which unite our societies. The information collection involved in this solicitation is covered by OMB Clearance Number 3116-0175, entitled "A Grants Program for Private, Non-Profit Organizations in Support of International and Cultural Activities," announced in the *Federal Register* February 9, 1989.

Private Sector Organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate.

Afghan Broadcast Journalist Exchange

Summary

The Office of Private Sector Programs proposes the development of a program, which will bring six broadcast journalists from Afghanistan to the

United States for 28 days to give them a greater understanding of the theory and practice of journalism in this country.

A U.S. not-for-profit institution will design the programs and select the American speakers. The participants will be selected by the United States Information Agency (USIA) with the cooperation of its post in Pakistan.

USIA is most interested in working with organizations that show promise for innovative and cost-effective programming, and with organizations that have potential for obtaining private-sector funding in addition to USIA support. Organizations must have the substantive expertise and logistical capability needed to develop and conduct the above project successfully and should also demonstrate a potential for designing programs which will have lasting impact on their participants.

Interested organizations should submit a request for complete application materials—postmarked no later than 30 days from the date of this notice—to the address listed below. The Office of Private Sector Programs will then forward a set of materials, including proposal guidelines. Please refer to these specific programs by name in your letter of interest: Office of Private Sector Programs, Bureau of Educational and Cultural Affairs, (ATTN: Initiative Programs, Afghan Broadcast Journalists Exchange), United States Information Agency, 301 4th St. SW., Washington, DC 20547.

Date: May 19, 1989.

Curt Rasco,

Acting Director, Office of Private Sector Programs.

[FR Doc. 89-14042 Filed 6-12-89; 8:45 am]

BILLING CODE 8230-01-M

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held June 21, 1989 in Room 600, 301 4th Street, SW., Washington, DC from 10:00 a.m. to 11:00 a.m.

The Commission will meet with Mr. Michael J. Kelly, Chairman of the Cultural Property Advisory Committee.

Please call Gloria Kalamets, (202) 485-2468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: June 7, 1989.

Ledra L. Dildy,

Staff Assistant, Federal Register Liaison.

[FR Doc. 89-14043 Filed 6-12-89; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96-511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (203C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: June 2, 1989.

By direction of the Secretary:

Frank E. Lalley,

Director, Office of Information Management and Statistics.

Extension

1. Veterans Benefits Administration
2. Supplemental Physical Examination
3. VA Form 29-8100
4. The form is used to obtain complete information as to the physical and/or mental condition of a veteran who has submitted an application for insurance or reinstatement.
5. On occasion
6. Individuals or households
7. 1440 responses.
8. ¾ hour

9. Not applicable

[FR Doc. 89-13955 Filed 6-12-89; 8:45 am]

BILLING CODE 8320-01-M

Veterans Administration Advisory Committee on Native American Veterans; Availability of Final Report

Under section 10(d) of Pub. L. 92-463 (Federal Advisory Committee Act) notice is hereby given that the Final Report of the Veterans Administration

Advisory Committee on Native American Veterans has been issued. The report summarizes the Committee's actions relative to the examination and evaluation of programs and other activities of the Veterans Administration with respect to the needs of Native American veterans including American Indians, Alaska Natives, and Native Hawaiians. It is available for public inspection at two locations: Federal Documents Section, Exchange and Gift Division, LM 632,

Library of Congress, Washington, DC 20540, and Department of Veterans Affairs, Office of Director, Social Work Service (122), Room 938, 810 Vermont Avenue NW., Washington, DC 20420.

Dated: June 5, 1989.

By direction of the Secretary

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 89-13954 Filed 6-12-89; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 112

Tuesday, June 13, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL COMMUNICATIONS COMMISSION

June 8, 1989.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, June 15, 1989, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and subject

General—1—*Title:* Amendment of Part 2 of the Commission's Rules regarding the Allocation of the 216–225 MHz band. *Summary:* In this proceeding, the Commission considers whether to reaffirm its decision to provide a primary allocation to the land mobile service in the 220–222 MHz band and a primary allocation to the amateur service in the 222–225 MHz band.

Private Radio—1—*Title:* Amendment of the Frequency Allocation and Aviation Services Rules (Parts 2 and 87). *Summary:* The FCC will consider a Notice of Proposed Rule Making regarding the Frequency Allocation Table and the Aviation Services Rules, contained in Part 2 and 87 of the Commission's Rules, in light of the action taken at the 1979 Mobile World Administrative Radio Conference that reallocated the 136–137 MHz band on a primary basis to the Aeronautical Mobile (R) Service.

Private Radio—2—*Title:* Amendment of § 90.235 of the Rule to Permit Secondary Fixed Tone Signaling and Alarm Operations in Part 90 Radio Services. *Summary:* The Commission will consider whether to adopt a Report and Order concerning fixed signaling operations in all Part 90 Radio Services.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence, Office of Public Affairs, telephone number (202) 632–5050.

Issued: June 8, 1989.

Federal Communications Commission,
Donna R. Searcy,
Secretary.

[FR Doc. 89–14164 Filed 6–9–89; 3:18 pm]

BILLING CODE 6712-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

June 8, 1989.

TIME AND DATE: 10:00 a.m., Thursday, June 15, 1989.

PLACE: Room 600, 1730 K Street NW., Washington, DC.

STATUS: Part Open & Part Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. In open meeting: *Utah Power & Light Company*, Docket No. WEST 87–210–R. (Issues include whether the judge properly found the operator violated 30 CFR 75.1704 and whether the judge properly found a second violation of 30 CFR 75.1704 to be the result of the operator's unwarrantable failure.)

2. In open meeting: *Rushton Mining Company*, Docket No. PENN 88–99–R. (Issues include whether the judge properly found the operator's violation of 30 CFR 75.1704–(a) was not significant & substantial.)

3. In closed meeting: *John A. Gilbert v. Sandy Fork Mining Co.*, Docket No. KENT 86–49–D, and *Secretary of Labor on behalf of Gilbert v. Sandy Fork Mining Co.*, Docket No. KENT 86–76–D. (Initial discussion of proceeding after remand from the U.S. Circuit Court of Appeals for the D.C. Circuit.)

4. In closed meeting: *Odell Maggard v. Chaney Creek Coal Corp.*, Docket No. KENT 86–1–D, and *Secretary of Labor on behalf of Maggard v. Chaney Creek Coal Corp.*, Docket No. KENT 86–51–D. (Initial discussion of proceeding after remand from U.S. Circuit Court of Appeals for the D.C. Circuit.)

Any person intending to attend the open portion of this meeting who requires special accessibility features and/or auxiliary aids, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

It was determined by a unanimous vote of Commissioners that Items 3 & 4 be considered in closed session.

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen (202) 653–5629 / (202) 566–2673 for TDD Relay.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 89–14120 Filed 6–9–89; 8:45 am]

BILLING CODE 6735-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, June 19, 1989.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: June 9, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–14182 Filed 6–9–89; 3:52 pm]

BILLING CODE 6210-01-M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TIME AND DATE: 10:00 a.m., June 19, 1989.

PLACE: 5th Floor, Conference Room, 805 Fifteenth Street NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of last meeting.
2. Thrift Savings Plan Activities report by the Executive Director.
3. Review of current Labor Department audit reports.

CONTACT PERSON FOR MORE

INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 523–5660.

Date: June 8, 1989.

Francis X. Cavanaugh,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 89–14073 Filed 6–8–89; 4:54 pm]

BILLING CODE 6760-01-M

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: Friday, June 9, 1989, immediately following a 9:00 a.m., Board adjudicatory meeting.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW., Washington, DC 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices).

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, National Labor Relations Board, Washington, DC 20570. Telephone: (202) 254-9430.

Dated: Washington, DC, June 9, 1989.
By direction of the Board.

John C. Truesdale,
Executive Secretary, National Labor
Relations Board.

[FR Doc. 89-14152 Filed 6-9-89; 2:15 pm]

BILLING CODE 7545-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of June 12, 19, 26, and July 3, 1989.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of June 12

Tuesday, June 13

2:00 p.m.

Briefing on Proposed Rule on Basic Quality

Assurance in Radiation Therapy (Public meeting)

Thursday, June 15

3:30 p.m.

Affirmation/Discussion and Vote (Public meeting) (if needed)

Week of June 19—Tentative

Tuesday, June 20

10:00 a.m.

Briefing on the Application of the Severe Accident Policy to the Lead Application for Advanced Light Water Reactors (Public meeting)

Thursday, June 22

10:00 a.m.

Briefing on Status of Proposed Rule for License Renewal (Public meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public meeting) (if needed)

Week of June 26—Tentative

Wednesday, June 28

11:30 a.m.

Affirmation/Discussion and Vote (Public meeting) (if needed)

Week of July 3—Tentative

Thursday, July 6

10:00 a.m.

Briefing on Study of Adequacy of Regulatory Oversight of Materials Under General License (Public meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public meeting) (if needed)

Friday, July 7

10:00 a.m.

Briefing on Agency Human Factors Initiatives (Public meeting)

ADDITIONAL INFORMATION: By a vote of 4-0 (Commissioner Curtiss was not present) on June 8, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that Commission business required that "Affirmation of Scheduling Order for Responses to Applicant's Request for Clarification of Licensing Status of Limerick Unit 2" (Public meeting) scheduled for June 8, be held on less than one week's notice to the public.

Note.—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (301) 492-0292.

CONTACT PERSON FOR MORE

INFORMATION: William Hill, (301) 492-1661.

William M. Hill, Jr.,
Office of the Secretary,
June 8, 1989.

[FR Doc. 89-14155 Filed 6-9-89; 2:29 pm]

BILLING CODE 7590-01-M

Corrections

Federal Register

Vol. 54, No. 112

Tuesday, June 13, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 433]

Resolution and Order Approving With Restriction the Application of Georgia Foreign-Trade Zone, Inc., for a Special-Purpose Subzone at the Yamaha Motor Manufacturing Corp., Golf Cart and Water Vehicle Plant in Coweta County, GA

Correction

In notice document 89-13428 beginning on page 24370 in the issue of Wednesday, June 7, 1989, make the following correction:

In the third column, in the next to last paragraph, the word "hard" should read "heard".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificates of Review

Correction

In notice document 89-12960 beginning on page 23506 in the issue of Thursday, June 1, 1989, make the following correction:

1. On page 23506, in the first column, under **SUPPLEMENTARY INFORMATION**, in the second line, "Export" was misspelled.

2. On the same page, in the 2nd column, under Request for Public Comments, in the 1st paragraph, in the 16th line, "applicant" should read "application".

3. On the same page, in the same column, under "Summary of Application", in the fifth line, "Manager" was misspelled.

4. On the same page, in the same column, under "Summary of Application", in the 17th line, "Controls" was misspelled; in the 33rd line, after "international" insert a comma; and in the 35th line, "Mommoth" should read "Mammoth".

5. On page 23507, in the second column, in the paragraph designated "h", in the third line, "who" should read "how".

6. On the same page, in the third column, in the paragraph designated "c", in the sixth line, "discussions" was misspelled.

7. On page 23508, in the first column, in the paragraph designated "f", in the sixth line, "commission" should read "commissions".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 70

RIN 1290-AA08

Department of Labor Regulations Implementing Freedom of Information Act and Executive Order 12600

Correction

In rule document 89-12716 beginning on page 23142 in the issue of Tuesday, May 30, 1989, make the following corrections:

1. On page 23145, in the first column, under Appendix A to Part 70—**Disclosure Officers**, the authority citation should read as follows:

Authority: 5 U.S.C. 301, 5 U.S.C. 552, as amended; Reorganization Plan No. 6 of 1950, 5 U.S.C. Appendix; E.O. 12600, 52 FR 23761 (June 25, 1987).

§ 70.4 [Corrected]

2. On the same page, in the second column, in § 70.4(a)(1), in the first line, "options" should read "opinions".

§ 70.22 [Corrected]

3. On page 23147, in the second column, in the fourth line "solicitor" should be capitalized.

§ 70.38 [Corrected]

4. On page 23148, in the third column, in § 70.38(f), in the first line, "request" was misspelled.

5. On page 23149, in the first column, in § 70.38(h), in the fifth line, "solely" was misspelled.

§ 70.40 [Corrected]

6. On the same page, in the second column, § 70.40(a)(4) should appear as a paragraph.

BILLING CODE 1505-01-D

Test Report Federal Register

Tuesday
June 13, 1989

Part II

Department of Defense General Services Administration

National Aeronautics and Space Administration

48 CFR Parts 15, 32, and 52
Federal Acquisition Regulation (FAR);
Reimbursement, Interest Charges, and
Penalties for Overpayment; Proposed
Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATIONNATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Parts 15, 32, and 52

Federal Acquisition Regulation (FAR);
Reimbursement, Interest Charges, and
Penalties for Overpayment

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering revisions to Federal Acquisition Regulation (FAR) 15.804-7, Defective Cost or Pricing Data; Subpart 32.6, Contract Debts; and the clauses at 52.214-27, Price Reduction for Defective Cost or Pricing Data-Modifications-Sealed Bidding; 52.215-22, Price Reduction for Defective Cost or Pricing Data; 52.215-23, Price Reduction for Defective Cost or Pricing Data-Modifications; and 52.232-17, Interest. The revisions concern penalties charged under Department of Defense contracts for submission of defective cost or pricing data and interest charged from the date of overpayment on all Government contracts in defective pricing cases.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before August 14, 1989 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 89-37 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, Room 4041, GSA Building, Washington, DC 20405, (202) 523-4755.

SUPPLEMENTARY INFORMATION:

A. Background

The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to the various defective cost or pricing data clauses and the interest clause to contractually implement and provide guidance to contracting officers concerning the Truth in Negotiations

Act, 10 U.S.C. 2304a(e)(11). This section of the Act requires that when an overpayment is made to a contractor under a contract with the Department of Defense (DOD) that is subject to the provisions of the Act and the overpayment was due to submission of defective cost or pricing data, the contractor shall be liable to the United States for interest from the date of the overpayment. It also requires that if a DoD contractor or subcontractor knowingly submits such defective cost or pricing data, a penalty is to be assessed in the amount of the overpayment. In the interest of Governmentwide uniformity with respect to interest requirements, the Councils are proposing extension of the statute's requirements regarding interest in defective pricing cases to all Government agencies.

B. Regulatory Flexibility Act

The proposed changes are not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because the vast majority of the contracts held by these entities are not subject to Pub. L. 87-653 or civilian agency defective pricing rules. Therefore, an Initial Regulatory Flexibility Analysis has not been prepared. Comments are invited. Comments from small entities concerning affected FAR sections will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite 89-610 in correspondence pertaining to FAR Case 89-37.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) does not apply because the proposed changes do not change any reporting or recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 15, 32, and 52

Government procurement.

Dated: June 7, 1989.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, 48 CFR Parts 15, 32, and 52 are amended as set forth below:

1. The authority citation for 48 CFR Parts 15, 32, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 15—CONTRACTING BY
NEGOTIATION

2. Section 15.804-7 is revised by adding paragraph (b)(7) to read as follows:

§ 15.804-7 Defective cost or pricing data.

(b) * * *

(7) (i) In addition to the price adjustment amount, the Government is also entitled to interest on any overpayments. On DoD contracts only, the Government is also entitled to penalty amounts on certain of these overpayments. Overpayment occurs only when payment is made for supplies or services accepted by the Government. Overpayments would not result from amounts paid for contract financing as defined in 32.902.

(ii) In calculating the interest amount due, the contracting officer shall—

(A) Determine the defective pricing amounts that have been overpaid to the contractor;

(B) Consider the date of each overpayment (The date of overpayment for this interest calculation shall be the date payment was made for the related completed and accepted contract items.); and

(C) Apply the underpayment interest rate(s) in effect for each quarter from the time of overpayment to the time of repayment, utilizing rate(s) prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954.

(iii) In arriving at the amount due for penalties on Department of Defense contracts where the submission of defective cost or pricing data was a knowing submission, the contracting officer shall obtain an amount equal to the amount of overpayment made. Before taking any contractual actions concerning penalties, the contracting officer shall obtain the advice of counsel.

(iv) In the price reduction modification or demand, the contracting officer shall separately include—

(A) The repayment amount;

(B) The penalty amount (if any);

(C) The interest amount through a specified date; and

(D) A statement that interest will continue to accrue until repayment is made.

* * *

PART 32—CONTRACT FINANCING

3. Section 32.610 is amended by revising paragraph (b)(2) to read as follows:

§ 32.610 Demand for payment of contract debt.

(b) * * *

(2) Notification that any amounts not paid within 30 days from the date of the demand will bear interest from the date of the demand, or from any earlier date specified in the contract and that the interest rate shall be the rate established by the Secretary of the Treasury, for the period affected, under 50 U.S.C. App. 1215(b)(2); or, in the case of a debt arising from a price reduction for defective pricing, that interest will run from the date of overpayment by the Government until repayment by the contractor at the underpayment rate established by the Secretary of the Treasury, for the periods affected, under section 6621 of the Internal Revenue Code of 1954.

4. Section 32.613 is amended by revising paragraph (h)(3) to read as follows:

§ 32.613 Deferment of collection.

(h) * * *

(3) Notice of an interest charge, in conformity with 32.614 and the clause at 52.232-17, Interest; or, in the case of a debt arising from a defective pricing overpayment, interest, as prescribed by the applicable Price Reduction for Defective Pricing clause.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Section 52.214-27 is amended by removing in the title of the clause the date "(APR 1988)" and inserting in its place "(JUN 1989)", and by adding paragraph (e) to read as follows:

§ 52.214-27 Price reduction for defective cost or pricing data-modifications-sealed bidding.

(e) If any reduction in the contract price under this clause reduces the price of items for which payment was made prior to the date of the modification reflecting the price reduction, the Contractor shall be liable to and shall pay the United States at the time such overpayment is repaid—

(1) Simple interest on the amount of such overpayment to be computed from the date(s) of overpayment to the Contractor to the date the Government is repaid by the Contractor at the applicable underpayment rate effective for each quarter prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954; and

(2) For Department of Defense contracts only, a penalty equal to the amount of the overpayment, if the Contractor or subcontractor knowingly submitted cost or pricing data which were incomplete, inaccurate, or noncurrent.

6. Section 52.215-22 is amended by removing in the title of the clause the date "(APR 1988)" and inserting in its place "(JUN 1989)", and by adding paragraph (d) to read as follows:

§ 52.215-22 Price reduction for defective cost or pricing data.

(d) If any reduction in the contract price under this clause reduces the price of items for which payment was made prior to the date of modification reflecting the price reduction, the Contractor shall be liable to and shall pay the United States at the time such overpayment is repaid—

(1) Simple interest on the amount of such overpayment to be computed from the date(s) of overpayment to the Contractor to the date the Government is repaid by the contractor at the applicable underpayment rate effective for each quarter prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954; and

(2) For Department of Defense contracts only, an amount equal to the amount of the overpayment, if the Contractor or subcontractor knowingly submitted cost or pricing data which were incomplete, inaccurate, or noncurrent.

7. Section 52.215-23 is amended by removing in the title of the clause the date "(APR 1988)" and inserting in its

place "(JUN 1989)", and by adding paragraph (e) to read as follows:

§ 52.215-23 Price reduction for defective cost or pricing data-modifications.

(e) If any reduction in the contract price under this clause reduces the price of items for which payment was made prior to the date of the modification reflecting the price reduction, the Contractor shall be liable to and shall pay the United States at the time such overpayment is repaid—

(1) Simple interest on the amount of such overpayment to be computed from the date(s) of overpayment to the Contractor to the date the Government is repaid by the Contractor at the applicable underpayment rate effective for each quarter prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954; and

(2) For Department of Defense contracts only, a penalty equal to the amount of the overpayment, if the Contractor or subcontractor knowingly submitted cost or pricing data which were incomplete, inaccurate, or noncurrent.

8. Section 52.232-17 is amended in the introductory text; by removing in the title of the clause the date "(APR 1984)" and inserting in its place "(JUN 1989)"; by revising the first sentence of paragraph (a) of the clause; and by removing the derivation lines following "(End of clause)" to read as follows:

§ 52.232-17 Interest.

As prescribed in 32.617 (a) and (b) insert the following clause:

(a) Notwithstanding any other clause of this contract, all amounts, except amounts that are repayable and which bear interest under a Price Reduction for Defective Cost or Pricing Data clause, that become payable by the Contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code (26 U.S.C. 1481)) shall bear simple interest from the date due until paid unless paid within 30 days of becoming due. * * *

[FR Doc. 89-13945 Filed 6-12-89; 8:45 am]
BILLING CODE 6820-JC-M

Federal Register

**Tuesday
June 13, 1989**

Part III

**Department of Defense
General Services
Administration**

**National Aeronautics and
Space Administration**

**48 CFR Part 42
Federal Acquisition Regulation (FAR);
Quick-Closeout Procedures; Proposed
Rule**

Thursday
June 13, 1956

Part III

Department of Defense
General Services
Administration
National Aeronautics and
Space Administration

48 CFR Part 43
Federal Acquisition Regulation (FAR)
Quick-Closed Procedure; Proposed
Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATIONNATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Part 42

Federal Acquisition Regulation (FAR);
Quick-Closeout Procedures

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to the Federal Acquisition Regulation (FAR) which provide additional guidance on the use of quick-closeout procedures as described in 42.708.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before August 14, 1989 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4041, Washington, DC 20405.

Please cite FAR Case 89-40 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 523-4755.

SUPPLEMENTARY INFORMATION:

A. Background

Questions were raised concerning the need to define "relatively insignificant" as it is used in 42.708, and to provide more guidance concerning the quick-closeout procedure. The phrase "relatively insignificant" is defined through the use of two parameters: (1) The unsettled indirect costs applicable to any single contract cannot exceed \$500,000.00 and (2) unless otherwise provided in agency regulations, the cumulative unsettled indirect costs to be allocated to one or more contracts for a single fiscal year cannot exceed 15 percent of the total estimated unsettled indirect costs allocable to cost-type contracts for that fiscal year.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because it does nothing more than clarify existing coverage. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR section will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite 89-610 (FAR Case 89-40) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors,

contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et. seq.

List of Subjects in 48 CFR Part 42

Government procurement.

Dated: June 7, 1989.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, 48 CFR Part 42 is amended as set forth below:

PART 42—[AMENDED]

1. The authority citation for 48 CFR Part 42 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

2. Section 42.708 is amended by revising paragraph (a)(2) to read as follows:

42.708 Quick-closeout procedure.

(a) * * *

(2) The amount of unsettled indirect cost to be allocated to the contract is relatively insignificant. Indirect cost amounts will be considered insignificant when—

(i) The total unsettled indirect cost applicable to any one contract does not exceed \$500,000.00; and

(ii) Unless otherwise provided in agency procedures, the cumulative unsettled indirect costs to be allocated to one or more contracts in a single fiscal year do not exceed 15 percent of the estimated, total unsettled indirect costs allocable to cost-type contracts for that fiscal year; and

* * *

[FR Doc. 89-13946 Filed 6-12-89; 8:45 am]

BILLING CODE 6820-JC-M

STATEMENT OF WORK

GENERAL INFORMATION

PROJECT DESCRIPTION

OBJECTIVES

SCOPE OF WORK

DELIVERABLES

ASSUMPTIONS

CONSTRAINTS

RISKS

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SIGNATURE

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SPONSOR

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ACCOUNTABILITY

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ETHICS

COMPLIANCE

LEGAL

Tuesday
June 13, 1989

Federal Register

Part IV

Department of Defense General Services Administration

National Aeronautics and Space Administration

48 CFR Parts 7 and 52

Federal Acquisition Regulation (FAR);
Technical Corrections; Proposed Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATIONNATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Parts 7 and 52

Federal Acquisition Regulation (FAR);
Technical Corrections to FAR Subpart
7.3

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to Federal Acquisition Regulation (FAR) 7.300 and to the clauses at 52.207-1 and 52.207-2 to include technical corrections needed to comply with recent changes made to the Office of Management and Budget (OMB) Circular A-76.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before August 14, 1989 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4041, Washington, DC 20405.

Please cite FAR Case 89-47 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 523-4755.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

This proposed rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Pub. L. 98-577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, any comments received will be considered in the formulation of a final rule. Also, comments from small entities concerning the affected FAR sections will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite section 89-610 (FAR Case 89-47).

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping information collection requirements or

collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 7 and 52

Government procurement.

Dated: June 7, 1989.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, 48 CFR Parts 7 and 52 are amended as set forth below:

1. The authority citation for 48 CFR Parts 7 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 7—ACQUISITION PLANNING

2. Section 7.300 is amended by revising paragraph (b) to read as follows:

7.300 Scope of subpart.

* * * * *

(b) The supplement of OMB Circular No. A-76.

7.302 [Amended]

3. Section 7.302 is amended by removing in the introductory text and in paragraph (c) the word "Handbook" and inserting in both places the word "Supplement".

4. Section 7.303 is amended by redesignating paragraph (b)(i) and (b)(ii) as (b)(1) and (b)(2) revising newly designated paragraph (b)(1) to read as follows:

7.303 Determining availability of private commercial sources.

* * * * *

(b) * * *

(1) Synopsizing the requirement in the Commerce Business Daily until a reasonable number of potential sources are identified. If necessary, synopsis shall be submitted at least three times in a 90-day period with a minimum of 30 days between notices (but, when necessary to meet an urgent requirement, this notification may be limited to a total of two notices in a 30-day period with a minimum of 15 days between them). If sufficient sources are not identified through synopses or from subparagraph (b)(2) of this section, a finding that no commercial source is available may be made and the cost comparison canceled; and

* * * * *

5. Section 7.304 is amended by removing in the first sentence of paragraph (a) the words "performance-oriented" and inserting in their place the

word "performance"; and by revising paragraph (b)(1) to read as follows:

7.304 Procedures.

* * * * *

(b) * * *

(1) Enter on a cost-comparison form (see part IV of the Supplement) the cost estimate and the other elements required to accomplish a cost comparison;

* * * * *

6. Section 7.306 is amended by removing in paragraph (a)(1)(iii) within the parentheses the words "(see Cost Comparison Handbook, Exhibit 1)" and inserting in their place the words "(see Supplement, part IV, Illustration 1)"; by removing in paragraph (a)(1)(iv) within the parentheses the figures "5" and "15 working days" and inserting in their place "15" and "30 working days" respectively; and by revising paragraphs (a)(2), (a)(3), and the third sentence in (b)(3) to read as follows:

7.306 Evaluation.

* * * * *

(a) * * *

(2) After evaluation of bids (see Subpart 14.4) and determinations of responsibility, the contracting officer shall provide the price of the low responsive, responsible bidder to the preparer of the cost estimate for Government performance, for final Government review of the cost-comparison form.

(3) Upon completion of the review process, including resolution of any request under 7.307, the responsible agency official shall make the final determination for performance by the Government or under contract and provide written notification to the contracting officer, who shall either award a contract or cancel the solicitation as required.

(b) * * *

(3) * * * Upon completion of the public review period and resolution of any questions raised under 7.307, the responsible agency official shall provide the contracting officer written notification of the final cost comparison decision. * * *

* * * * *

7. Section 7.307 is amended by revising the third sentence in paragraph (a) to read as follows:

7.307 Appeals.

* * * * *

(a) * * * This review must be completed within 30 days after the deciding official receives a request under paragraph (b) of this section. * * *

* * * * *

**PART 52—SOLICITATION
PROVISIONS AND CONTRACT
CLAUSES****52.207-1 [Amended]**

8. Section 52.207-1 is amended by removing in the title of the provision the date "(APR 1985)" and inserting in its place "(JUN 1989)"; and by removing in the italicized text within the brackets in

paragraph (c), the words "5 to 15" and inserting in their place "15 to 30".

9. Section 52.207-2 is amended by revising the introductory text of the provision; by removing the date "(APR 1984)" and inserting in its place "(JUN 1989)"; by removing in the italicized text within the brackets in paragraphs (c)(1) and (c)(2), the words "5 to 15" and inserting in both places "15 to 30"; and by removing the derivation line

following "(End of provision)" to read as follows:

**52.207-2 Notice of cost comparison
(negotiated).**

As prescribed in 7.305(b), insert the following provision:

* * * * *

[FR Doc. 89-13947 Filed 6-12-89; 8:45 am]

BILLING CODE 6820-JC-M

Tuesday
June 13, 1989

Outer Continental Shelf

Part V

Department of the Interior

Minerals Management Service

Outer Continental Shelf; Shumagin Sale 129; Notice

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Shumagin Sale 129
Request for Interest

Purpose

Proposed Sale 129-Shumagin is being reviewed by the Secretary of the Interior to determine whether the Outer Continental Shelf (OCS) presale process should be initiated for this sale. The oil and gas industry is asked to assist in this process by providing up-to-date information on its interest in leasing and exploring in the Shumagin Basin Planning Area.

The responses will assist the Secretary of the Interior in determining if the presale process for the proposal should be started, delayed, or deferred for consideration in a future 5-year schedule. This approach is designed to add flexibility to the program by providing for the reasonable possibility that changes in geologic data and economic or other conditions could create bidding interest in areas which may now appear unattractive. For example, a substantial oil price increase (such as might result from an oil supply disruption), if anticipated to be relatively long term, could make an area presently unattractive to potential bidders into one which could be of interest. Other information of interest would include new geophysical data; new geologic data; new interpretations of existing data; and new estimates of costs of production. By requesting information and acting on it prior to the issuance of the Call for Information and Nominations, the risk of inappropriate expenditures for such sales would be reduced.

If the Request for Interest indicates sufficient interest to warrant proceeding with the sale, these prelease steps will follow: Call for Information and Nominations and Notice of Intent to Prepare an Environmental Impact Statement (EIS), Area Identification, draft EIS, Public Hearings, final EIS, proposed Notice of Sale, Governor's Comments, and final Notice of Sale. For Alaska sales, the entire process takes approximately 28 months.

Description of the Area

The Shumagin Basin Planning Area is located immediately south of the Alaska Peninsula. The planning area covers approximately 15,054 blocks or 83 million acres and is outlined on the map found at the end of this document.

Previous Sale-Related Activities

A Request for Information for Sale 86, Shumagin, was published on October 15, 1984. Information received in response to the request resulted in the continuance of the presale process. A Call for Information and Nominations was published on November 6, 1985, with comments due December 23, 1985. Comments were received from five companies, one company submitted nominations. On February 26, 1986, Sale 86 was canceled because of lack of industry interest.

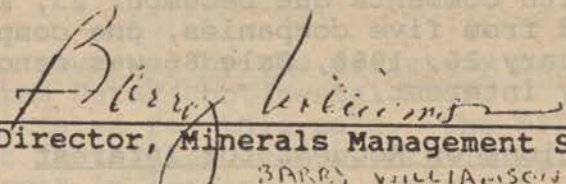
Instructions on Request for Interest

Information regarding leasing and exploring in the Shumagin Basin Planning Area may be provided by mail, telephone, or, alternatively, an informal meeting with the Regional Director or designated representative. General or detailed information may be submitted. We request that you provide information on the following:

- (1) Are you interested in the area at this time?
- (2) Would your level of interest in this area change if oil and gas prices increase?
- (3) What general or detailed information can you provide regarding whether we should proceed in this planning area with the OCS presale process; delay the presale process for 1 year or more; or defer the sale for consideration in a future 5-year schedule?
- (4) Is your company spending money on any oil and gas activities in this area or are expenditures anticipated on activities such as geologic and geophysical work, etc.?
- (5) What comments and suggestions can you provide on your choice of minimum bid level, alternative bidding systems, and other procedures which may lead to the enhanced understanding of the oil and gas resources of the Shumagin Basin Planning Area?

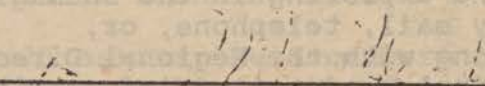
In order to be included in the review process, information must be submitted no later than 45 days following publication of this document in the Federal Register. Receipt of the information will be facilitated if the envelope is marked "Request for Interest on Proposed Lease Sale 129-Shumagin. The telephone number and name of a person to contact in the respondent's organization for additional information should also be enclosed.

Letters should be mailed or hand delivered to the Regional Supervisor for Leasing and Environment, Minerals Management Service, Alaska OCS Region, 949 East 36th Avenue, Room 110, Anchorage, Alaska 99508-4302. Telephone responses may be made to Mr. Tom Warren at (907) 261-4691.

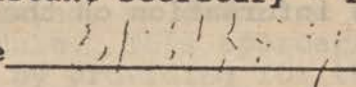

Director, Minerals Management Service
BARRY WILLIAMSON

Approved:

DEPUTY


Assistant Secretary - Land and Minerals Management

Date

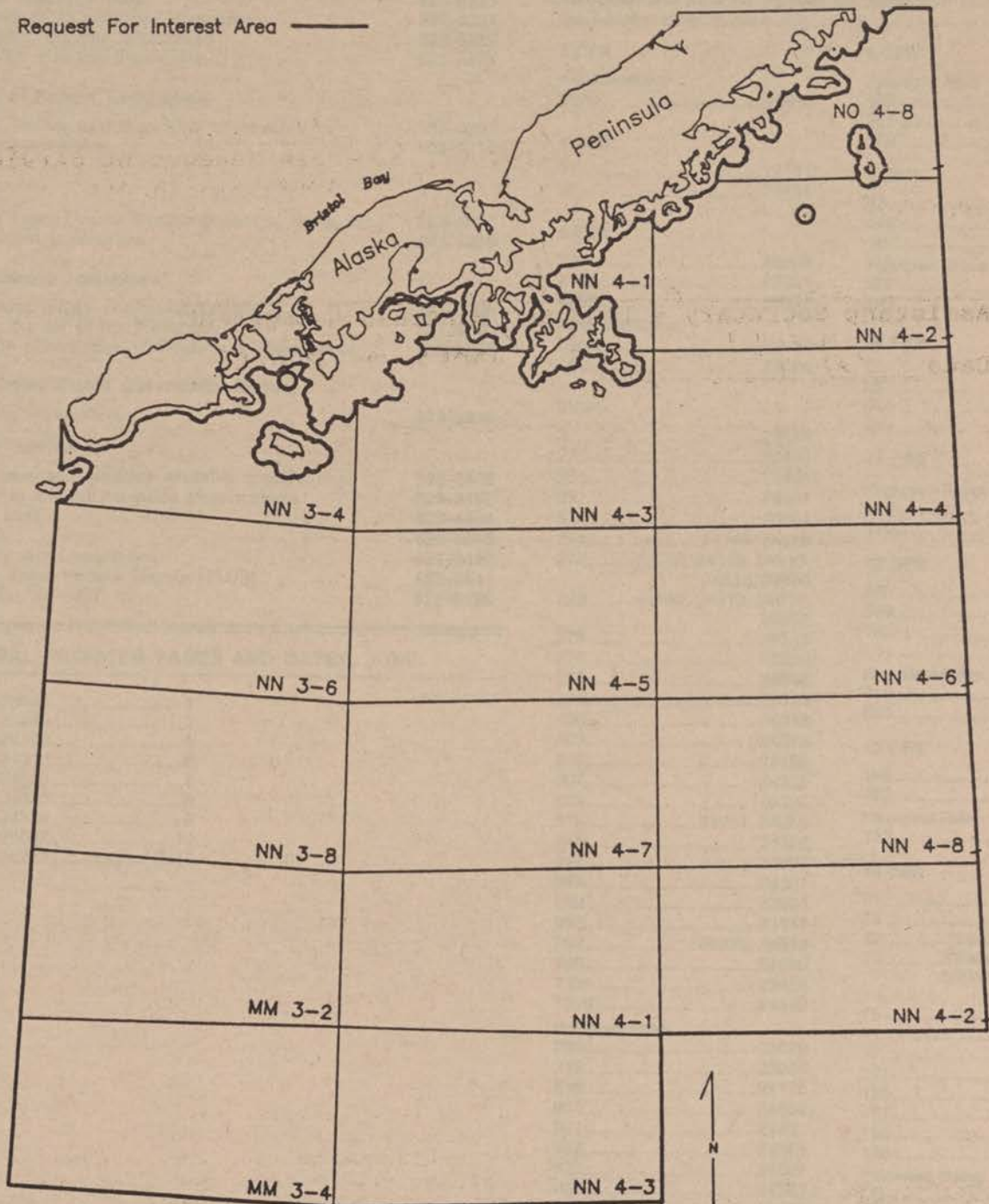

JAMES M. HUGHES



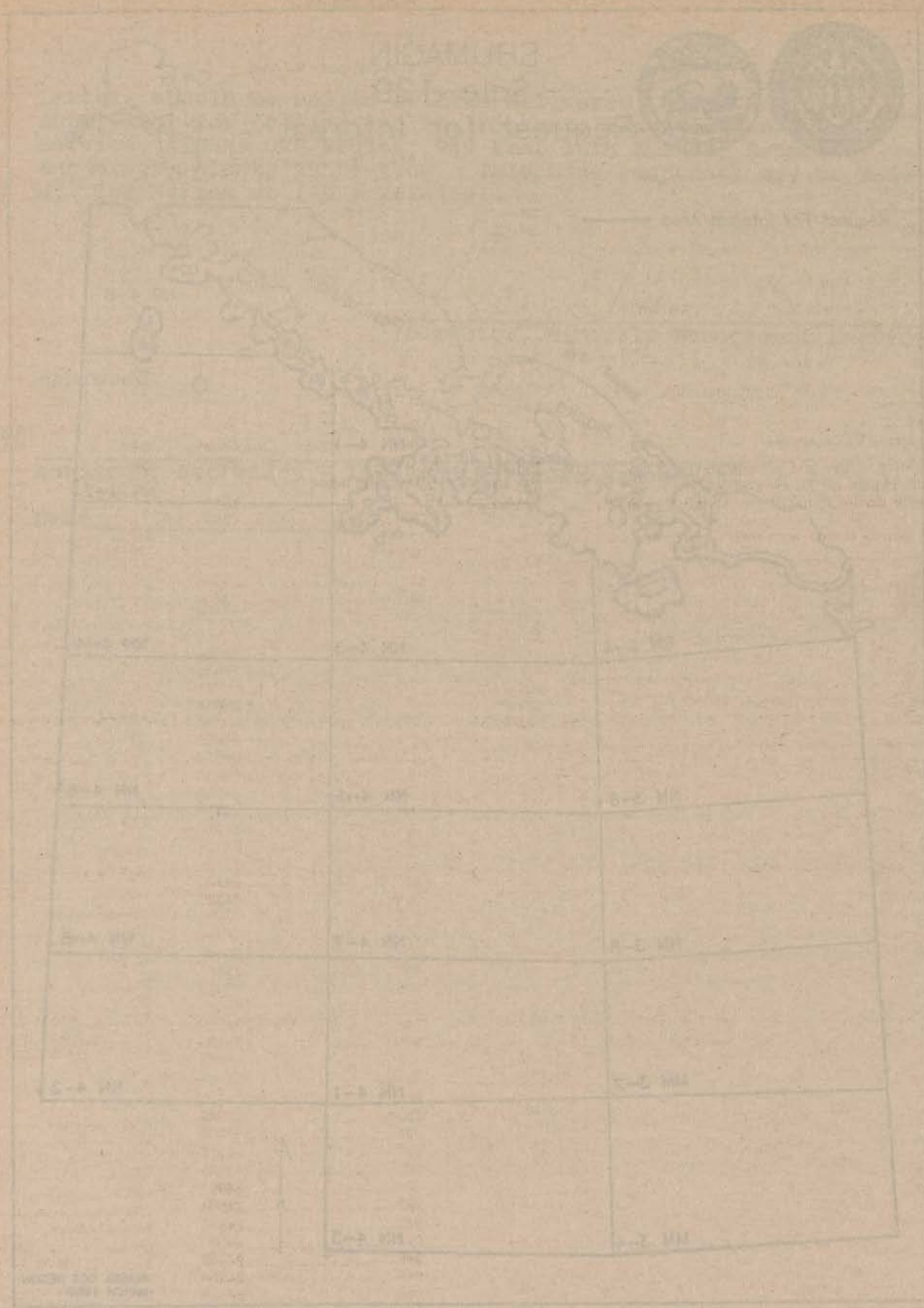
SHUMAGIN Sale 129 Request for Interest



Request For Interest Area ———



ALASKA OCS REGION
MARCH 1989



Reader Aids

Federal Register

Vol. 54, No. 112

Monday, June 13, 1989

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LIST OF PUBLIC LAWS**Last List May 22, 1989**

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 1385/Pub. L. 101-30

Martin Luther King, Jr., Federal Holiday Commission Extension Act. (May 17, 1989; 103 Stat. 60; 3 pages) Price: \$1.00

H.J. Res. 135/Pub. L. 101-31

To designate the week beginning May 7, 1989, as "National Correctional Officers Week". (May 22, 1989; 103 Stat. 63; 1 page) Price: \$1.00

S.J. Res. 58/Pub. L. 101-32

To designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day". (May 22, 1989; 103 Stat. 64; 1 page) Price: \$1.00

S.J. Res. 68/Pub. L. 101-33

To designate the month of May 1989, as "Trauma Awareness Month". (May 23, 1989; 103 Stat. 65; 1 page) Price: \$1.00

H.J. Res. 170/Pub. L. 101-34

Designating May 1989, as "National Digestive Disease Awareness Month". (May 25, 1989; 103 Stat. 66; 2 pages) Price: \$1.00

H.J. Res. 247/Pub. L. 101-35

Designating May 29, 1989, as the "National Day of Remembrance for the Victims of the USS IOWA". (May 25, 1989; 103 Stat. 68; 1 page) Price: \$1.00

LIST OF PUBLIC LANDS

The following is a list of public lands in the State of California, as of January 1, 1900. The lands are classified according to their location and ownership. The list is divided into two main sections: "Public Lands in the State of California" and "Public Lands in the State of California, as of January 1, 1900." The first section lists the lands in the State of California, and the second section lists the lands in the State of California, as of January 1, 1900. The lands are listed in alphabetical order by county.

The following is a list of public lands in the State of California, as of January 1, 1900. The lands are classified according to their location and ownership. The list is divided into two main sections: "Public Lands in the State of California" and "Public Lands in the State of California, as of January 1, 1900." The first section lists the lands in the State of California, and the second section lists the lands in the State of California, as of January 1, 1900. The lands are listed in alphabetical order by county.

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The United States Government Manual 1988/89

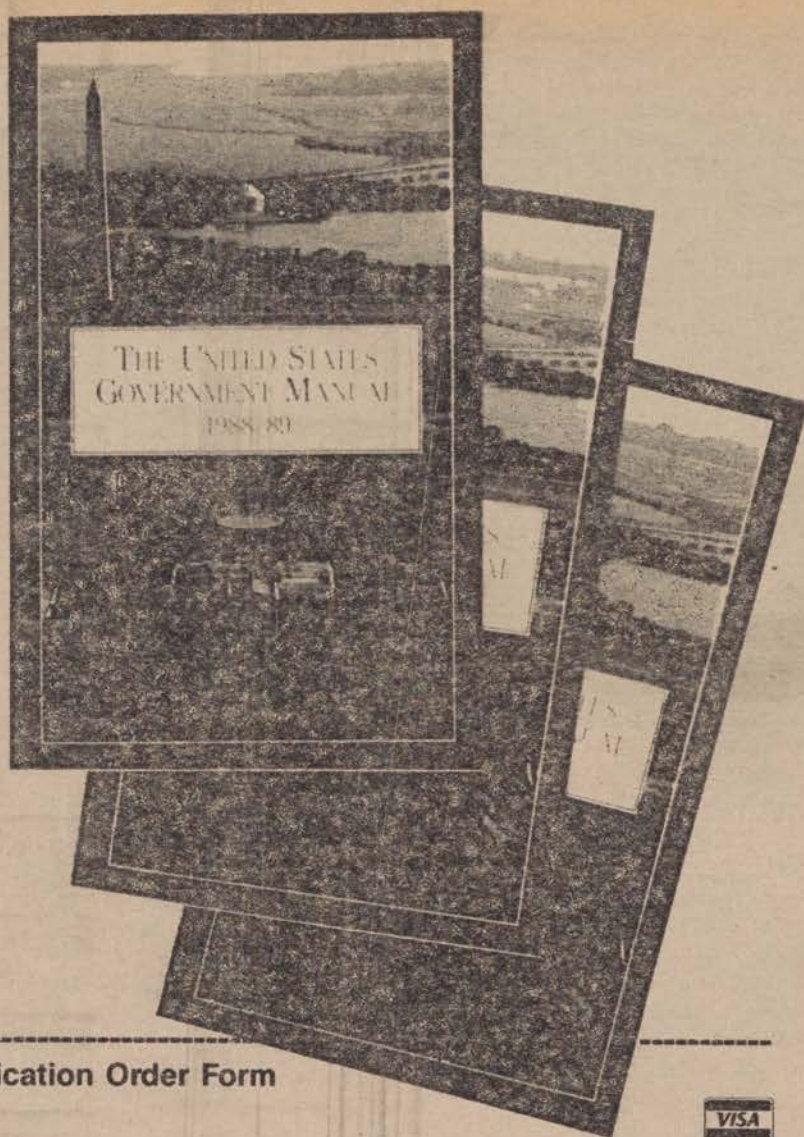
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Particularly helpful for those interested in where to go and who to see about a subject of particular concern is each agency's "Sources of Information" section, which provides addresses and telephone numbers for use in obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest. The *Manual* also includes comprehensive name and agency/subject indexes.

Of significant historical interest is Appendix C, which lists the agencies and functions of the Federal Government abolished, transferred, or changed in name subsequent to March 4, 1933.

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THE
GOVERNMENT
OF

The Government of the United States of America, by the President, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the Department of the Interior, Bureau of Land Management, at Washington, D. C.

WITNESSED my hand and the seal of the Department of the Interior at Washington, D. C., this 1st day of January, 1900.

JOHN M. WATSON,
Secretary of the Interior.

Approved by the President of the United States of America.

JOHN M. WATSON,
Secretary of the Interior.

